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# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 46  
November 13, 2000

Pages 16,413 – 16,870

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Issue 16 - April 14, 2000: Data Through March 31, 2000  
Issue 29 - July 14, 2000: Data Through June 30, 2000  
Issue 42 - October 13, 2000: Data Through September 30, 2000  
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 17	April 10	April 21	Issue 43	October 16	October 27
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Issue 19	April 24	May 5	Issue 45	October 30	November 13**
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Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

- 2) Code Citation: 44 Ill. Adm. Code 10

3) Section Numbers: Proposed Action:

10.20	Amend
10.24	Amend
10.35	Amend
10.50	Amend
10.62	Amend
10.63	Amend
10.64	Amend
10.67	Amend
10.68	Amend
10.69	Amend
10.70	Amend
10.72	Amend
10.91	Amend
10.100	Amend

- 4) Statutory Authority: Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

- 5) A Complete Description of the Subjects and Issues Involved: These amendments make technical changes and changes to better reflect current policy.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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217/782-9669

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY MANAGEMENT**  
**SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS**  
**CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

## PART 10

**BUSINESS ENTERPRISE PROGRAM: CONTRACTING WITH BUSINESSES OWNED  
AND CONTROLLED BY MINORITIES, FEMALES AND PERSONS WITH DISABILITIES**

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10.10 Definitions

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10.22 Categories of Contracts and Expenditures Exempt from Goal  
10.23 Council Review of Agency Requests for Specific Exemptions  
10.24 Goal Measurement  
10.25 Subcontracting

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10.35 Professional and Artistic Contract Reporting

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10.40 Program Eligibility

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## Section

10.100 Violations by Vendor

**AUTHORITY:** Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

**SOURCE:** Adopted by emergency rulemaking at 22 Ill. Reg. 12584, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20560, effective November 16, 1998; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: GOAL AND GOAL MEASUREMENT

## Section 10.20 Goal

The Council shall, by resolution, establish the contracting goal. In accordance with the Act, not less than 12% of the total dollar amount of State contracts, as defined in this Part, shall be the goal for awarding contracts to MBEs, FBES, and PBES. ~~Unless modified by resolution of the Council, the goal shall be 5% of contracts for MBEs, 5% for PBES and 2% for FBES.~~



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.24 Goal Measurement

a) The goal shall be measured on a full fiscal year basis. The goal shall be measured against the total dollar amount of expenditures subject to the goal. Expenditures not covered are those described in Sections 10.22 and 10.23.

b) Each user agency's expenditures, whether against contracts established by the user agency or against contracts established on behalf of a user agency by another agency such as the Department of Central Management Services, shall be included in the user agency's goal attainment statistics. Certain purchasing agencies, such as the Department of Central Management Services and the Capital Development Board, are responsible for establishing contracts for other user agencies. Those purchasing agencies shall be responsible for meeting the goal for such contracts even though the user agency may have the appropriation to fund the contract. To properly account for the goal in these situations, the following procedures shall be followed:

1) The user agency shall review its budget and subtract from its appropriation in each major or minor object code the amount it anticipates spending on contracts established by the purchasing agency. The purchasing agency shall report that amount to the Secretary.

2) Those amounts reported by user agencies to the Secretary shall be assigned by the Secretary to the appropriate purchasing agency. Such amounts will be included in the amount upon which the purchasing agency goal is based. This procedure does not result in money actually being transferred from the user agency to the purchasing agency. Rather, the transfer is for compliance plan accounting purposes only.

3) If a purchasing agency delegates procurement authority to a user agency, the purchasing agency's goal base shall be reduced in the amount of the delegation and the user agency's goal base shall be increased in like amount.

4) If the user agency transfers money from a line subject to a purchasing agency's authority, the purchasing agency's goal base shall be reduced by that amount and the user agency's goal base shall be increased by the amount of the transfer.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.35 Professional and Artistic Contract Reporting

a) Agencies shall give written notice report to the Secretary Council except in emergency situations of procurement opportunities for

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

professional and artistic services service (as defined in Section 1-15.60 Article 35 of the Illinois Procurement Code and applicable Sections of the Department of Central Services Standard Procurement Rules, 44 Ill. Adm. Code 1). contracting opportunities. The report is required by Section 6a of the Act and shall be made as follows:

a) The agency must give notice to the Council that it intends to enter into a professional and artistic contract on the same day that the potential vendor is first contacted. Notice may be mailed, hand delivered, sent by fax, or transmitted in electronic form.

b) The notice shall include the agency name and address; contact person; contract reference number; anticipated start date; length date bid or proposal was first available; return dates and opening dates; term of the contract; services to be provided; special requirements; and dollar value. Notice may be given on the form available from the Secretary. Notice may be mailed, hand delivered, sent by fax, or transmitted in electronic form.

c) Upon receipt of the notice, the Secretary shall have at least 14 days to provide the agency with the names of certified vendors who might be interested in the contract. The agency shall consider all certified vendors referred by the Secretary within that 14 day period.

d) If the professional and artistic contract is advertised in the Illinois Procurement Bulletin, the agency need not make a report to the Council.

e) Notice to the Secretary is not required if the procurement is advertised in the Illinois Procurement Bulletin or if the agency considers all certified vendors that provide the needed service. Notification to that effect shall be maintained by the agency in its file.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: CERTIFICATION

## Section 10.50 General

a) The primary purpose of the certification process is to verify that the business is owned and controlled by eligible individuals in accordance with requirements of the Act and this Part. The Secretary to the Council will oversee the certification process. The certification procedure consists of the requirements and procedures outlined in this Section.

b) The Secretary will certify an applicant firm that meets all of the requirements of the Act and this Part. The Secretary will conduct a routine review and reconsideration of each certified business at least one time every two years to ensure continued eligibility.

c) Only certified businesses are eligible for the benefits of the Program. Agencies may count only those expenditures with a certified vendor, or subcontractor, toward meeting the goal.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- d) A business owned and controlled by females shall be certified as a FBE regardless of the ethnicity of the female owners.
- e) For a business to qualify as MBE, only those minorities who are male may be counted in determining ownership and control.
- f) A-business-owned-and-controlled-50%-by-minority-males-and-50%-by-minority-females-is-a-MBE-for-purposes-of-the-Act:**
- fg) A business owned and controlled at least 51% by any combination of minorities, females and persons with disabilities shall be counted as a business owned and controlled by the eligible group that has the largest percentage of ownership. When there is a tie, the business shall select the eligible group classification.**
- gh) A business owned and controlled by a person with a disability, or by an entity that is a not-for-profit agency for the disabled, is a PBE regardless of the ethnicity or gender of the owner or owners, or of the governing board.**
- h) These classifications facilitate consistent accounting of agency contract awards to businesses covered by the Act. These classifications do not preclude such businesses or not-for-profit agencies from receiving any contract that may be awarded under the Illinois Procurement Code [30 ILCS 500] or other applicable law.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

## Section 10.62 Time to Determine Eligibility

The Secretary shall contact all applicants seeking certification within 60 days after receipt of the application, and shall grant certification, deny certification, or request additional or clarifying information necessary to make the certification decision. **Attempt-to-make-a-decision-whether-to-certify-or-deny-certification-within-60-days-after-receipt-of-all-requested-information:**

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.63 Certification by Other Certifying Entities

- a) The Council will accept a certification by another entity in Illinois, such as a local government or vendor association. The other entity must have certification requirements and procedures equaling or exceeding those in the Act and this Part.
- b) The Secretary shall investigate requirements and procedures of other certifying entities and shall report to the Council the names of those certifying entities whose certifications can be accepted.
- 1) The other entities must agree to notify the Secretary should

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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their requirements or procedures change in any material way. The Secretary shall periodically meet with the other certifying entities to help ensure Council requirements and procedures are being met.

- 2) If the other entities' requirements or procedures no longer equal or exceed the requirements and procedures of the Act or this Part, the Council will no longer accept those certifications. However, the Council will continue to honor previously accepted certifications until the Secretary reviews each one and, if necessary, revokes those that do not meet the requirements of the Act and this Part.

- 3) The other entities must agree to report any denial of certification or recertification to the Council, along with detailed reasons for that action.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.64 \$14,000,000 Sales Limitation; Exception

- a) Annual gross sales of the applicant business for its most recent fiscal year must be less than \$14 million.

- 1) In determining the annual gross sales, sales of any affiliated business shall also be counted.

- 2) An affiliated business is one related to the other by virtue of significant commonality of management, or commonality of ownership (at least 5% of one company owned by owner or management personnel of the other). Other factors that may be considered in determining affiliation include, but are not limited to, sharing of office space, workers or equipment.

- b) A business with annual gross sales of \$14 million or more in its most recent fiscal year is eligible to participate in the program if the business can show that if it were to receive a particular contract or subcontract, there would be a significant impact on employment of minorities, females or persons with disabilities, or in the use of BEP certified subcontractors or suppliers.

- 1) For the impact to be significant in terms of employment, the business would have to hire new employees to perform the work of the contract with a full-time-equivalence-to-50%-of-their-work force---in-addition and at least 51% of those new hires must be minority, female or persons with disabilities.

- 2) For the impact to be significant in terms of use of subcontractors or suppliers, the business must direct 51% 75% of the value of the contract to BEP certified vendors as subcontractors or suppliers.

Such vendors must meet all certification requirements but will not be certified or be listed in the Directory.

- c) If the business makes contractual commitments regarding hiring or use



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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or subcontractors or suppliers, agrees to appropriate enforcement mechanisms, such as bonding or damage provisions, and meets the other requirements for certification, the Secretary, on behalf of the Council, will approve counting expenditures under that contract toward the agency's goal.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.67 Ownership

a) The individuals claiming ownership and control of the applicant business must own at least 51% of the business.

b) The ownership shall be real, substantial and continuing and not simply a matter of form. "Real" is a bona fide investment in the business done at arm's length and in good faith. "Substantial" is the level of investment necessary to initiate or acquire the particular business in light of its value, the business field, the organization of the concern, and the potential sources of outside financing. The following factors, among others, are weighed together to help determine whether ownership is real, substantial, continuing and not a matter of form.

1) How ownership was obtained, including, but not limited to, purchase, gift or inheritance.

2) How substantial was the contribution toward ownership in terms of expertise, money, or other such factors? The following are some examples of factors that may indicate insufficient contribution:

- A) minimal cash outlay or personal investment;
- B) a promise or agreement to contribute capital;
- C) a note payable to the firm or other owners who are not eligible group members;
- D) contributions for services rather than capital, except where services are unique, specialized or of a value commensurate with the ownership value of such services;
- E) payment of contribution with funds loaned by a non-eligible group, former employer or stockholder;
- F) no recourse loans where the borrower assumes no liability for repayment upon default; and
- G) no recourse stock purchases wherein the purchaser assumes no liability upon default of payment other than transaction of shares.

3) How the applicant holds ownership. In terms of stock holdings, the following are factors that may indicate ownership is not as stated:

- A) minimal cash outlay or personal investment;
- B) a promise or agreement to buy stock;
- C) stock issued, but not purchased;
- D) stock certificates purchased but not in the possession of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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the applicant; or  
E) stock held in trust.

4) The applicant must provide documentary proof of ownership, including, but not limited to, the following:

- A) canceled checks or bookkeeping entries;
- B) signed purchase agreements;
- C) stock certificates, transfer ledgers and stockholder agreements;
- D) partnership agreements;
- E) profit sharing agreements; and
- F) buy-out-right agreements.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.68 Control

a) Ownership by eligible group members does not equate to control.

b) The individuals claiming ownership and control of the applicant business must actually control the applicant business. Those individuals must be in direct control of the day to day operations, and must have, and exercise, the power to make major decisions on management, policy, fiscal and operational matters. ~~Ownership--by eligible--group-members--does--not--equate--to--control.~~ At a minimum, the following factors will be considered in determining control.

1a) Do the articles of incorporation show the eligible group owners were involved at the time of incorporation and in what way? If the eligible group owners were not involved at the time of incorporation, when did they become involved?

2b) Corporate by-laws will be reviewed to determine:

A) the duties of the directors and officers who occupy these positions;

B) the voting rights of the shareholders; and

C) any restrictive language that may affect the eligible group owner's stock voting rights.

3e) Are there any stock options/shareholders agreements that, if exercised, will dilute or eliminate eligible group owner control?

4d) Do the eligible group owners make decisions independently?

5e) Does a review of resumes show the eligible group owners have sufficient background, including education and training, to run the particular business and for the responsibilities assigned?

6f) Do the eligible group owners continue to work for a firm not eligible for the BEP, and if so, what is the relationship of the firm to the applicant business?

7g) Who in the firm negotiates contracts and loans, prepares estimates and makes other management and supervisory decisions?

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 10.69 Notice of Certification or Denial

- a) Notification of Certification  
When the Secretary has determined that the applicant meets the all requirements of the Act and this Part, the Secretary will notify the applicant by letter that it has been certified.
- b) Notification of Denial of Certification  
When the Secretary determines that the applicant does not meet the requirements of the Act and this Part, the Secretary shall send a letter to the applicant setting forth the rationale for the determination ~~inviting the applicant to provide additional information in the areas of concern and advising the applicant of the review process. The Secretary shall remove the applicant from the list of certified vendors.~~
- c) Effect of Denial  
After all reconsiderations and reviews provided in this Part have been exhausted, if the decision remains to deny certification, the Secretary shall remove the applicant from the list of certified vendors.
- d) Reapplication  
If a certification application is denied, the business may reapply one year after the date of denial. Applications submitted prior to that date will not be considered.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

## Section 10.70 Review and Reconsideration

- a) The applicant may request that the Secretary reconsider a certification denial. The Secretary shall inform the applicant of the reconsideration decision within 60 days three months after receipt of the request for reconsideration. If the decision is not favorable to the applicant, the Secretary shall inform the applicant of additional reviews that are available. ~~If the Secretary fails to inform the applicant within the three month period, the reconsideration request will be considered denied.~~
- b) The applicant may request a review of an unfavorable decision of the Secretary. ~~that the Council's Certification Committee made up of at least three Council members appointed by the Council's chair, review the reconsideration decision of the Secretary. The applicant must submit this request in writing to the Secretary postmarked no later than 30 days after the applicant received the Secretary's decision. The request must state why the applicant believes the Secretary's~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- c) decision is wrong, must address all points raised in the Secretary's decision and must include any supporting documentation.  
The Council's Certification Committee, made up of at least three Council Members, shall consider any requested review of the Secretary's reconsideration decision. The Secretary will attempt to schedule a Committee meeting within 30 days after receipt of the request for review. The meeting shall be held in Springfield or Chicago ~~unless the Committee agrees to meet at some other location.~~ The Secretary will notify the applicant at least 10 days prior to the meeting of the location, date and time.
- d) The Secretary shall provide each Committee member with a copy of the request for review, other relevant information and a response to the points raised in the request for review. Each Committee member shall review the files prior to the meeting.
- e) The Committee Chair shall call the meeting to order, announce the matter at issue and explain the meeting procedures. The Chair shall briefly restate the reasons given for the Secretary's decision and open the floor to the applicant. The meeting shall proceed in an informal manner within these procedures. All information obtained shall be considered.
- f) The applicant may make an opening statement, but must respond to each of the reasons for denial given in the Secretary's decision. The applicant may bring ~~call~~ and question any witnesses. The Committee may ask questions of the applicant, the Secretary or any other person present. The Secretary may comment at any time. When the applicant is finished the Secretary may call witnesses. Both applicant and Secretary may make closing statements. Although the applicant may have an attorney or other representatives assist at the meeting, applicant must be present ~~if any representative is present~~ and applicant must respond to questions of the Committee.
- g) The Committee shall consider the information obtained at the meeting ~~either as a body or individually.~~ The Committee's decision will be based upon majority vote to be given at a Committee meeting or submitted individually to the Secretary, who shall record and report the vote.
- h) If the decision is favorable to the applicant, the Secretary will notify and place the applicant on the list of certified vendors. If the decision is adverse to the applicant, the Secretary will notify the applicant, providing the Committee's reasons and information on the further review that is available.
- i) The applicant may ask that the full Council review an adverse decision of the Certification Committee. The applicant must submit this request in writing to the Secretary. The request must be postmarked no later than 15 days after the applicant received the Committee's decision. This request must state why the applicant believes the Committee's decision is wrong, must address all points raised in the Committee's decision and must include any supporting documentation.
- j) The Secretary shall provide each Council member with a copy of the



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second request for review and a copy of the Secretary's file on the matter for review. In addition, the Secretary shall prepare and submit to the Council a draft response to the points raised in the second request for review. The Secretary shall consult with the Committee prior to submitting the draft.

k) The Secretary will schedule the review at the earliest convenience of the Council. ~~The Council shall consider the second request at the next regularly scheduled Council meeting provided that the second request was received by the Secretary at least 21 days prior to that Council meeting. If received after that time, the matter will be considered at the next following Council meeting. The applicant will be told of the location, date and time of the meeting.~~

l) The Council shall consider only the written information provided or produced by the applicant, the Certification Committee and the Secretary. The Council may, on its own, request that the applicant address the Council or respond to specific questions. If the Council requests that the applicant be present, the applicant may have an attorney or other representative assist at the meeting, but the applicant must be available to respond to Council questions. The Council will allow the applicant to address the Council if the applicant makes that request as part of the second request.

m) After reviewing all information obtained, the Council shall vote to uphold the Committee's decision, overturn the Committee's decision or have the matter sent back to the Committee for reconsideration with instructions from the Council.

n) If the decision is favorable to the applicant, the Council shall inform the Secretary. The Secretary shall place the applicant on the list of certified vendors. The Secretary shall inform the applicant.

o) If the decision is adverse to the applicant, the Council shall inform the Secretary. The Secretary shall notify the applicant.

r) If the decision is to send the matter back to the Committee, the process shall continue from that point until resolved at the Committee or Council level.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 10.72 Recertification Process

a) At least 60 Sixty days prior to expiration of the certification, the Secretary shall send a letter to the business advising that it may apply for recertification by completing and returning it--must-complete and--return the application. The application must be postmarked at least 15 days prior to expiration of the current certification. Failure to meet that deadline shall result in expiration of the certification.

b) If the applicant submits the material 15 days before the expiration of the current certification, the original certification shall remain in

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effect until the Secretary completes the recertification process.

c) Upon receipt of the recertification application, the Secretary will review it for changes that affect eligibility under the Act or this Part.

d) If no such changes have occurred, the Secretary will recertify the applicant. If changes give rise to questions regarding eligibility, the Secretary will notify the applicant and request clarification and/or additional information.

e) When all questions of eligibility have been resolved in favor of the applicant, the Secretary will issue a new certification valid for a period of two three years.

f) If the Secretary determines that the firm is not eligible, the Secretary will notify the applicant by letter. The letter shall include the reasons for the decision and shall inform the applicant of the review and reconsideration process.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: CONTRACT REQUIREMENTS

## Section 10.91 Contract Commitment; Good Faith Effort

a) A vendor who obtains a contract requiring hiring of BEP certified vendors, such as pursuant to Section 10.64, or who makes a voluntary contractual commitment to hire BEP certified vendors, and who fails to do so, is subject to having the contract canceled. If the agency cancels the contract, the vendor may be liable for any damages the State suffers as a result of the cancellation. The State may excuse the vendor's failure if the vendor can show a good faith effort to remain in compliance.

b) Any vendor claiming good faith relief must fully document, in writing, the steps taken to obtain BEP certified vendors as subcontractors. The State may require that the vendor provide additional information on request. A good faith effort shall, at a minimum, consist of the following:

- 1) contacting the Business Enterprise Bureau Division at least 15 days prior to need and requesting referrals from the certified vendor list and from any other list maintained by the Bureau Division;
  - 2) advertising in the Official State Newspaper or a local newspaper as time permits; and
  - 3) contacting appropriate organizations such as unions, contractor associations, and MBE, FBE, or PBE minority--or--female oriented organizations.
- c) If a good faith exception is given, the purchasing agency shall notify the Secretary of the exception and shall include all pertinent information.



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(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: VIOLATIONS BY VENDOR

## Section 10.100 Violations by Vendor

Should a vendor violate the Act, this Part, or the terms of contracts let pursuant to this program, the State may pursue any or all of the following actions.

a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:

1) refusal to supply information sufficient for the Secretary or the Council to make a determination for eligibility or continued eligibility as indicated in Section 10.61 (Applicant Requirements);

2) refusal to supply additional proof of eligibility for the program, particularly after receiving a contract with Section 10.80 (Special Assistance) provisions;

3) accepting a contract with Section 10.80 (Special Assistance) provisions when the vendor does not qualify for the program; or and

4) any other violation of the Act or this Part.

b) The State may cancel, without penalty to the State, any contract entered into by a vendor in knowing violation of:

1) the Act or this Part;

2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or

3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (\$14,000,000 Sales Limitation; Exception) and Section 10.91 (Contract Commitment; Good Faith Effort).

c) In the case of a cancellation under subsection (b)(2) or (b)(3), the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proved.

d) The Secretary may suspend a vendor from the program for a period of no more than one year and a contracting agency may cancel a contract for a knowing violation of:

1) the Act or this Part;

2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or

3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (\$14,000,000 Sales

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(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

e) Depending on the seriousness of the violation, the suspension shall be:

1) from participation in the BEP program; or

2) from further contracting with the State.

f) A vendor may appeal any of the actions of the Council taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).

g) The Secretary shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of the revocation of certification or of suspension.

h) If any agency finds or suspects that a business is in violation of the Act or of this Part, such violation should be reported to the Secretary as soon as practicable after the finding.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 1) Heading of the Part: Conditions of Employment

- 2) Code Citation: 80 Ill. Adm. Code 303

- 3) Section Number: Proposed Action:  
303.130 Amend  
303.250 Amend

- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].

- 5) A Complete Description of the Subjects and Issues Involved: These Sections are being amended to mirror the collective bargaining agreement.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of this publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: Vacation increment timekeeping procedures will be modified.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking did not come to the

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Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears on page 16429 of this issue of the Illinois Register.



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1) Heading of the Part: Department Formal Hearings Conducted for Rulemaking and Contested Cases

2) Code Citation: 17 Ill. Adm. Code 2530

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2530.20	Amendments
2530.30	Amendments
2530.50	Amendments
2530.220	New Section
2530.230	New Section
2530.240	New Section
2530.250	New Section
2530.260	New Section
2530.270	New Section
2530.280	New Section
2530.320	Amendments
2530.340	Amendments
2530.350	Amendments
2530.360	Amendments
2530.490	Amendments

4) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1-125 of the Fish and Aquatic Life Code [515 ILCS 5/1-125], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to create a point system for revocation and suspension of DNR-issued licenses.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530  
DEPARTMENT FORMAL HEARINGS CONDUCTED FOR  
RULEMAKING AND CONTESTED CASES

SUBPART A: GENERAL RULES

Section	Applicability
2530.10	Definitions
2530.20	Filing
2530.30	Documents
2530.40	Computation of Time
2530.50	Appearances
2530.60	

SUBPART B: SUMMARY REVOCATION/SUSPENSION RULEMAKING-PROCEEDURES

Section	Applicability (Recodified)
2530.110	Rules Proposed by Member of Public (Recodified)
2530.130	Authorization of Hearing (Recodified)
2530.140	Notice of Hearing (Recodified)
2530.150	Hearing Officer (Recodified)
2530.160	Written Submission (Recodified)
2530.180	Record (Recodified)
2530.190	Revision of Proposed Rules (Recodified)
2530.200	Filing and Publication of Final Rules (Recodified)
2530.210	Applicability
2530.220	Point System
2530.230	Points
2530.240	Groups
2530.250	Computation of Suspension Period
2530.260	Procedures
2530.270	Appeal and Hearing
2530.280	

SUBPART C: HEARINGS OF CONTESTED CASES

Section	Applicability
2530.310	Initiation of Proceedings
2530.320	Parties
2530.330	Notice and Complaint
2530.340	Service
2530.350	Notice of Hearing
2530.360	Prehearing Conferences
2530.370	

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2530.380	Authority of Hearing Officer
2530.390	Order of Enforcement Hearings
2530.400	Official Notice
2530.410	Default
2530.420	Evidence
2530.430	Motions and Answers
2530.470	Record
2530.480	Briefs and Oral Arguments
2530.482	Disposition
2530.484	Compelling Appearance at Hearing
2530.486	Recording of Hearing
2530.490	Decision and Order

AUTHORITY: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL RULES

Section 2530.20 Definitions

In this Part part the following terms shall have the meanings specified below:

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]



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"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law. [5 ILCS 100/1-35]

"Licensing" includes the Department department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of the right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include:

a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency,

b) Informal advisory rulings issued pursuant to Section 5-150 of the Illinois Administrative Procedure Act [5 ILCS 100/5-150]. (Rev. Stat. 1991, ch. 127, par. 1005-150)

c) Intra-agency memorandum, or

d) The prescription of standardized forms. [5 ILCS 100/1-70]

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.30 Filing**

Motions, petitions for proposed rules, pleadings and other documents permitted or required to be filed with the Department shall be addressed to and mailed or filed with the Department of Natural Resources, 524 South Second, Springfield, Illinois 62701 62706.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 2530.50 Computation of Time**

a) Computation of any period of time prescribed by this Part these--rules shall begin with the first business day following the day on which the act, event or development initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Where the period of time is five days or less, Saturdays Saturday, Sundays, and legal holidays shall be excluded in the computation of time.

b) Notice requirements shall be construed to mean notice received--but proof--that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART B: SUMMARY REVOCATION/SUSPENSION RULEMAKING PROCEDURES****Section 2530.220 Applicability**

This Subpart governs the practices and procedures related to revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources when such revocation and/or suspension is based upon determinations of guilt by a court of law.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.230 Point System**

Any person found guilty by a circuit court of the State of Illinois (including supervision or conditional discharge) or a United States District Court in an Illinois District of an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Timber Buyers Licensing Act [225 ILCS 735], the Forest Products Transportation Act [225 ILCS 740], the Ginseng Harvesting Act [525 ILCS 20], the Endangered Species Act [520 ILCS 10], or any similar violation of federal statutes or rules, shall be assessed points as set out in Section 2530.240. Licenses, permits and stamps shall be revoked, and privileges shall be suspended, based upon the accumulated points.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.240 Points**

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- a) For a petty offense - 3 points  
b) For a Class C Misdemeanor - 6 points  
c) For a Class B Misdemeanor - 9 points  
d) For a Class A Misdemeanor - 12 points  
e) For a Class 4 Felony - 24 points  
f) For a Class 3 Felony - 60 points  
g) For any violation committed during a period of suspension - 60 points

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.250 Groups**

- a) Group A = Wildlife Code, Endangered Species Protection Act - Wildlife, and Federal Offenses - Wildlife  
b) Group B = Fish and Aquatic Life Code, Endangered Species Protection Act - Aquatic Life, and Federal Offenses - Aquatic Life  
c) Group C = Timber Buyers Licensing Act, Forest Products Transportation Act, Ginseng Harvesting Act, Endangered Species Protection Act - Plants, Federal Offenses - Plants

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.260 Computation of Suspension Period**

Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that group revoked, and the person's privilege to engage in the activity covered by the group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to 515 ILCS 5-20-45(f) shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension.

- a) Example: Found guilty of unlawful taking of white-tailed deer during closed season (Class A Misdemeanor) and taking an over limit of quail (petty offense) - hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked - privileges authorized under Group A suspended for 15 months from date of notice.  
b) Example: Convicted of a Class B Misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code - no revocation or suspension as there is no 13 point accumulation in any one group.  
c) Example: Person in subsection (a) above completes 15 month suspension; two months later (less than 36 months from first violation) the person commits unlawful taking of white-tailed deer

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during closed season, for which person is found guilty - appropriate licenses and stamps revoked and person suspended for 27 months (15 + 12).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.270 Procedures**

- a) All circuit clerks shall report the disposition of Natural Resources cases to the Office of Law Enforcement, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701.  
b) Points shall be assessed to the individual by the Department once reports of disposition are received from the circuit clerk.  
c) Any person who accumulates 13 or more points in any group listed in Section 2530.260 during any 36 month period shall be notified, by mail, that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules of the group in which the points were accumulated are immediately revoked, and the notice shall further inform the person how many points have been assessed and for how long his privileges have been suspended.  
d) Notices shall be mailed to the last known address of the person through the U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. Revocation and suspension shall be effective 4 days after notice is deposited in a U.S. mailbox.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2530.280 Appeal and Hearing**

- a) Any person who is mailed notice of suspension and revocation shall have the right to appeal by filing a Petition for Hearing with the Office of Legal Counsel, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701. Such petition must be received by the Department of Natural Resources no later than 34 days after notice was mailed for the petition to be considered. No action will be taken on an untimely petition and the revocation or suspension will be considered final.  
b) The petition shall be styled "In re the suspension of \_\_\_\_\_, PETITION FOR HEARING." The petition shall contain sufficient facts in justification of a hearing and be signed by the petitioner. Petitions shall be liberally construed.  
c) Any petition not denied within 30 days after receipt by the Department shall be deemed granted and a hearing shall be set pursuant to the provisions of Subpart C: Hearings of Contested Cases.



(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: HEARINGS OF CONTESTED CASES

Section 2530.320 Initiation of Proceedings

- a) Enforcement proceedings to hear contested cases shall be initiated by the Department. This does not limit the right of the public to alert the Department to parties who violate rules adopted by the Department.
- b) The Director of the Department of Natural Resources shall designate a Hearing Officer. The Hearing Officer does not have to be an attorney. Staff members of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.
- c) In the case of a license revocation hearing performed by the Department to determine guilt, or in the case of a proceeding under Section 3B-8 313B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] (411-Rev-Stat-1985--ch-95-1/27-par-313B-8), any license, permit or certificate held by the respondent may be suspended, pending the outcome of the hearing. Respondent shall be given notice of the said suspension in the complaint.
- d) In the case of a license revocation pursuant to Subpart B, no hearing shall be granted unless, within 34 days after mailing of Notice of Revocation and Suspension by the Department, a motion requesting hearing, citing the justification for such hearing, has been filed with the Office of Legal Counsel, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2530.340 Notice and Complaint

- a) Proceedings shall be commenced by the service of a notice and a complaint upon all respondents and the filing of copies of the notice and complaint with the Hearing Officer, except that license revocations based upon findings of guilt by a court shall be by notice only.
- b) The complaint shall contain the following:
- 1) A reference to the provision of the law and rules of which the respondents are alleged to be in violation;
  - 2) ~~The dates, location, events, nature, extent, duration and consequences alleged to constitute a violation~~ A description of the alleged violation or violations of the law and/or Administrative Rules complained of to an extent sufficient to

- advise respondents of the full extent and nature of matters complained of to allow preparation of a defense; and
- 3) A concise statement of the relief that which the complainant seeks; and
  - 4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2530.350 Service

- a) A copy of the complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt. Proof of service of the complaint shall be filed with the Hearing Officer immediately upon completion of service.
- b) Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.
- c) Notice of license revocation and suspension of privileges shall be sent by mail to the last known address of the person whose license is revoked or privilege suspended. Deposit of such notice, correctly addressed, postage prepaid, shall be satisfactory to prove notice was received 4 days after the mailing.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2530.360 Notice of Hearing

- a) Time and Location of Hearing
- 1) The Hearing Officer shall set a date, time and place for hearing that which shall be not later than 90 days after receipt of a timely request for hearing ~~date-shall-not-be-later-than-90-days after service-of-the-complaint~~.
  - 2) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall for stated cause designate. He shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.

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- b) The Department shall give notice of each ~~complaint--and~~ hearing in which it is the complainant, not later than 15 days prior to the date on which the hearing is scheduled, to the following:
- 1) any person who has complained to the Department with respect to respondent within ~~six--( 6 )~~ months preceding the date of the complaint;
  - 2) any person in the county in which the alleged offending activity occurred who has requested notice of enforcement proceedings;
  - 3) Those persons notified of revocation and/or suspension pursuant to Section 2530.350(c) who request a hearing within 34 days after mailing by the Department of such notice; and  
4) all such other persons as required by law.
- c) Failure to comply with the provisions of this Part may not be used as a defense to an enforcement action, but any person adversely affected by such failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2530.490 Decision and Order

- a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2).
- b) Findings shall include specific references to principal supporting items of evidence in the record.
- c) Findings of fact and conclusions of law must be separately stated.
- d) Department final order may include any or all of the following:
- 1) A direction to cease and desist from violations of the Department's rules and orders;
  - 2) Suspension of licenses ~~a-licenses(s)~~ or permits ~~permits(s)~~;
  - 3) Revocation of a license or permit. A respondent who has had a license revoked shall not be issued any license or permit by the Department for a period not to exceed 5 years. Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;
  - 4) Such other determinations that may be appropriate.
- e) The Department shall notify all parties or their agents either personally or by ~~registered-or-certified~~ mail of any final order ~~final~~ Order.
- f) The Department's order shall be the final administrative decision of the Department.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program

2) Code Citation: 17 Ill. Adm. Code 3025

3) Section Numbers: Proposed Action:

3025.30 Amendments

3025.60 Amendments

3025.70 Amendments

4) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

5) A Complete Description of the Subjects and Issues Involved: Changes are being made to maintain a 20 year amortization schedule given the new \$400,000 grant maximums (increased from \$200,000) for the OSAD Program (the grant maximums are established by DNR policy and are not specified in the rule); and to broaden the rule language to allow flexibility in the type of documentation required to substantiate project costs.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

## DEPARTMENT OF NATURAL RESOURCES

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B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER 9: GRANTS

PART 3025  
OPEN SPACE LANDS ACQUISITION  
AND DEVELOPMENT GRANT PROGRAM

Section	Program Objective
3025.10	Incorporation by Reference (Repealed)
3025.20	Eligibility Requirements
3025.25	Assistance Formula
3025.30	General Procedures for Grant Applications and Awards
3025.40	Eligible Project Costs
3025.50	Project Evaluation Priorities
3025.60	Program Compliance Requirements
3025.70	Program Information/Contact
3025.80	

APPENDIX A Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

SOURCE: Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 13253, effective July 30, 1986; November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; reclassified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective August 3, 1998; amended at 23 Ill. Reg. 8398, effective July 7, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 3025.30 Assistance Formula

The OSRAD program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Except for jurisdictions having populations exceeding 2 million residents, maximum grant awards to any one project in a given year are currently limited to \$750,000 for approved land acquisition projects and \$400,000 for approved development (construction) projects. Counties serving a population exceeding 2 million residents are eligible for up to \$1.15 million in annual OSRAD funding for approved outdoor recreation acquisition and/or development projects. Municipalities with a population exceeding 2 million are eligible for up to \$2.3 million in annual OSRAD funding for approved projects. However, no more than 10% of the annual OSRAD appropriation can be allocated to any one project.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 3025.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending local project applications for funding assistance consideration (see Appendix A):

- a) Statewide Outdoor Recreation Priorities - 60%
  - 1) Department Statewide Priorities - 35%
 

Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its "Statewide Outdoor Recreation Plan". These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation, and recreation for disadvantaged populations and adaptive re-use/redevelopment of urban lands, including brownfields. These priorities are listed in the Department's OSRAD Local Participation Grant Manual (4/1/98 ed.); Illinois Department of Natural Resources Division of Grant Administration, 524 South Second Street, Springfield IL 62701-1787).
  - 2) Statewide Local Needs Assessment - 25%
 

Determination of local need is based on a comparison of:

    - A) existing local supply of recreation facilities per capita to the statewide median for those facilities as identified in the Department's "Statewide Outdoor Recreation Plan"; and
    - B) existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Recreation needs based on project service area are also given consideration.
- b) Project concept and site characteristics - 25%
 

The project proposal is evaluated in terms of the site's physical and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; and the overall recreational diversity provided by the project.
- c) Local Planning - 10%
 

The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.
- d) Other Considerations - 5%
 

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban



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areas; proposing initial site development; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from OSLAD assistance.

e) Penalty Factors - (deduct up to 15%)

Consideration is given to the applicant's past performance in completing OSLAD or other Department grant projects or unresolved project violations, ability to properly maintain the project site, and failure to cooperate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).

f) Project Application Review and Grant Award:

Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria. Preliminary recommendations are then submitted to the Department's "Natural Resource Advisory Board" for consideration at a public hearing conducted by the Board after which final recommendations are forwarded to the Director for OSLAD grant approval.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3025.70 Program Compliance Requirements

a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSLAD funds expended on the project:

Total Grant Expenditure	Time Period after Final Grant Payment
\$0 - \$50,000	6 5 years
for every \$25,000 \$40,000 increment over \$50,000	add 1 year

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes

## DEPARTMENT OF NATURAL RESOURCES

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replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.

c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (leasehold, lease, etc.) over the property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable State and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.

d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgement order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled checks check(s) showing proof of payment to seller.
- 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17") and verification of actual project costs. ~~7-copy-of--receipts/invoices--for--project--costs,--and--copy--of--canceled-checks--showing-proof-of-payment--~~
- f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.
- g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be

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provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.

- h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.

- i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

- j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.

- k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permits ~~permits~~ may jeopardize approved grant funding.

- l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:

- 1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.

- 2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.

- 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

- m) Conflict of Interests

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- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.

- 2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project.

No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

- n) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

- o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

- 1) the illegality of sexual harassment;
- 2) the definition of sexual harassment under State law;
- 3) a description of sexual harassment utilizing examples;
- 4) the contractor's internal complaint process, including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

- p) Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of



## DEPARTMENT OF NATURAL RESOURCES

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the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: Proposed Action:  
211.4067 New  
211.6130 Amended

4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Section 27 and 28.8 of the Environmental Protection Act (Act) [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's opinion of October 19, 2000, R01-17, available from the address in item 11, below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency (Agency) under the fast-track rulemaking provision of Section 28.5 of the Act. In summary, these proposed additions to 35 Ill. Adm. Code 211 are new definitions that will be used in conjunction with proposed new Subparts U and X to Part 217, which propose rules for nitrogen oxides (NO(x)) control, trading, and emission reductions for particular sources.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
211.102	Amend	24 Ill. Reg. 11473
211.479	New	24 Ill. Reg. 11473
211.955	New	24 Ill. Reg. 13563
211.960	New	24 Ill. Reg. 13563
211.1120	New	24 Ill. Reg. 13563
211.1312	New	24 Ill. Reg. 11473
211.1316	New	24 Ill. Reg. 11473
211.1320	New	24 Ill. Reg. 11473
211.1324	New	24 Ill. Reg. 11473
211.1328	New	24 Ill. Reg. 11473
211.1515	New	24 Ill. Reg. 11473
211.2080	New	24 Ill. Reg. 11473
211.2420	New	24 Ill. Reg. 11473
211.2425	New	24 Ill. Reg. 11473

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211.2620	New	24 Ill. Reg. 11473
211.2815	New	24 Ill. Reg. 11473
211.2820	New	24 Ill. Reg. 11473
211.3483	New	24 Ill. Reg. 13563
211.3485	New	24 Ill. Reg. 13563
211.3487	New	24 Ill. Reg. 13563
211.3780	New	24 Ill. Reg. 13563
211.3980	New	24 Ill. Reg. 11473
211.4960	New	24 Ill. Reg. 11473
211.5015	New	24 Ill. Reg. 13563
211.5020	New	24 Ill. Reg. 13563
211.5580	New	24 Ill. Reg. 11473

10) Statement of Statewide Policy Objectives: The proposed amendments are made under the authority of Sections 5/9.9, 27, and 28.5 of the Act. The amendments proposed are required to be adopted by the State under Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1) of the federal Clean Air Act Amendments of 1990 (CAA), 42 U.S.C. Sections 7401(a), 7502(b), 7511a(b)(1)(A), 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency (USEPA) for approval to satisfy a portion of the requirements of the so-called NO[x] SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998).

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. 30 ILCS 805/3(b).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-17 and be addressed to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Address all questions to Bobb Beauchamp, at 312-814-6926.

The Board will also accept comment at hearings scheduled for the following dates:

November 29, 2000, at 9:30 a.m.  
James R. Thompson Center  
Room 9-040  
100 West Randolph Street  
Chicago, Illinois 60601

## POLLUTION CONTROL BOARD

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December 20, 2000, at 9:30 a.m.
James R. Thompson Center
Room 9-040
100 West Randolph Street
Chicago, Illinois 60601
January 3, 2001, at 9:30 a.m.
James R. Thompson Center
Room 9-040
100 West Randolph Street
Chicago, Illinois 60601*

\*Pursuant to section 28.5(g)(3) of the Act, the third hearing shall be cancelled if the Agency indicates to the Board that the Agency does not intend to introduce any additional material.

Request copies of the Board's opinion and order in Docket R01-17 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

12) Initial Regulatory Flexibility Analysis:

No small businesses will be affected to a greater degree than currently required under existing state regulations or allowed by federal law.

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Only those small businesses, small municipalities and not-for-profit corporations that own or operate large Electrical Generating Units or Large Non-Electrical Generating Units with NO[x] emissions greater than one ton per day would be affected.

B) Reporting, Bookkeeping or other procedures required for compliance: The proposed revisions to Part 211 do not require that a source maintain any additional records; however, record keeping and reporting requirements appear in the context of the accompanying proposed amendments to 35 Ill. Adm. Code 217.Subparts U and X.

C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required.

13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:



## POLLUTION CONTROL BOARD

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

## Section

211.101 Incorporations by Reference

211.102 Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

## Section

211.121 Other Definitions

211.122 Definitions (Repealed)

211.130 Accelacota

211.150 Accumulator

211.170 Acid Gases

211.210 Actual Heat Input

211.230 Adhesive

211.240 Adhesion Promoter

211.250 Aeration

211.270 Aerosol Can Filling Line

211.290 Afterburner

211.310 Air Contaminant

211.330 Air Dried Coatings

211.350 Air Oxidation Process

211.370 Air Pollutant

211.390 Air Pollution

211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer

211.450 Airless Spray

211.470 Air Assisted Airless Spray

211.474 Alcohol

211.484 Animal

211.485 Animal Pathological Waste

211.490 Annual Grain Through-Put

211.495 Anti-Glare/Safety Coating

211.510 Application Area

211.530 Architectural Coating

211.550 As Applied

211.560 As-Applied Fountain Solution

211.570 Asphalt

## POLLUTION CONTROL BOARD

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211.590 Asphalt Prime Coat  
 211.610 Automobile  
 211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing

211.660 Automotive/Transportation Plastic Parts

211.670 Baked Coatings

211.680 Bakery Oven

211.685 Basecoat/Clearcoat System

211.690 Batch Loading

211.695 Batch Operation

211.696 Batch Process Train

211.710 Bead-Dipping

211.730 Binders

211.750 British Thermal Unit

211.770 Brush or Wipe Coating

211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal

211.820 Business Machine Plastic Parts

211.830 Can Coating

211.850 Can Coating Line

211.870 Capture

211.890 Capture Device

211.910 Capture Efficiency

211.930 Capture System

211.950 Certified Investigation

211.970 Chemical Manufacturing Process Unit

211.980 Choke Loading

211.990 Clean Air Act

211.1010 Cleaning and Separating Operation

211.1050 Cleaning Materials

211.1070 Clear Coating

211.1090 Clear Topcoat

211.1110 Closed Purge System

211.1130 Coal Refuse

211.1150 Coating

211.1170 Coating Applicator

211.1190 Coating Line

211.1210 Coating Plant

211.1230 Coil Coating

211.1250 Coil Coating Line

211.1270 Cold Cleaning

211.1290 Complete Combustion

211.1310 Component

211.1330 Concrete Curing Compounds

211.1350 Concentrated Nitric Acid Manufacturing Process

211.1370

211.1390

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211.1410	Condensate			
211.1430	Condensible PM-10			
211.1465	Continuous Automatic Stoking			
211.1465	Continuous Coater			
211.1470	Continuous Process			
211.1490	Control Device			
211.1510	Control Device Efficiency			
211.1520	Conventional Air Spray			
211.1530	Conventional Soybean Crushing Source			
211.1550	ConveyORIZED Degreasing			
211.1570	Crude Oil			
211.1590	Crude Oil Gathering			
211.1610	Crushing			
211.1630	Custody Transfer			
211.1650	Cutback Asphalt			
211.1670	Daily-Weighted Average VOM Content			
211.1690	Day			
211.1710	Degreaser			
211.1730	Delivery Vessel			
211.1750	Dip Coating			
211.1770	Distillate Fuel Oil			
211.1780	Distillation Unit			
211.1790	Drum			
211.1810	Dry Cleaning Operation or Dry Cleaning Facility			
211.1830	Dump-Pit Area			
211.1850	Effective Grate Area			
211.1870	Effluent Water Separator			
211.1875	Elastomeric Materials			
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding			
211.1885	Coatings			
211.1885	Electronic Component			
211.1890	Electrostatic Bell or Disc Spray			
211.1900	Electrostatic Prep Coat			
211.1910	Electrostatic Spray			
211.1920	Emergency or Standby Unit			
211.1930	Emission Rate			
211.1950	Emission Unit			
211.1970	Enamel			
211.1990	Enclose			
211.2010	End Sealing Compound Coat			
211.2030	Enhanced Under-the-Cup Fill			
211.2050	Ethanol Blend Gasoline			
211.2070	Excess Air			
211.2090	Excessive Release			
211.2110	Existing Grain-Drying Operation (Repealed)			
211.2130	Existing Grain-Handling Operation (Repealed)			
211.2150	Exterior Base Coat			
211.2170	Exterior End Coat			

POLLUTION CONTROL BOARD

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211.2190	External Floating Roof			
211.2210	Extreme Performance Coating			
211.2230	Fabric Coating			
211.2250	Fabric Coating Line			
211.2270	Federally Enforceable Limitations and Conditions			
211.2285	Feed Mill			
211.2290	Fermentation Time			
211.2300	Fill			
211.2310	Final Repair Coat			
211.2330	Firebox			
211.2350	Fixed-Roof Tank			
211.2360	Flexible Coating			
211.2365	Flexible Operating Unit			
211.2370	Flexographic Printing			
211.2390	Flexographic Printing Line			
211.2410	Floating Roof			
211.2430	Fountain Solution			
211.2450	Freeboard Height			
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source			
211.2490	Fugitive Particulate Matter			
211.2510	Full Operating Flowrate			
211.2530	Gas Service			
211.2550	Gas/Gas Method			
211.2570	Gasoline			
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility			
211.2610	Gel Coat			
211.2630	Gloss Reducers			
211.2650	Grain			
211.2670	Grain-Drying Operation			
211.2690	Grain-Handling and Conditioning Operation			
211.2710	Grain-Handling Operation			
211.2730	Green-Tire Spraying			
211.2750	Green Tires			
211.2770	Gross Heating Value			
211.2790	Gross Vehicle Weight Rating			
211.2810	Heated Airless Spray			
211.2830	Heatset			
211.2850	Heatset Web Offset Lithographic Printing Line			
211.2870	Heavy Liquid			
211.2890	Heavy Metals			
211.2910	Heavy Off-Highway Vehicle Products			
211.2930	Heavy Off-Highway Vehicle Products Coating			
211.2950	Heavy Off-Highway Vehicle Products Coating Line			
211.2970	High Temperature Aluminum Coating			
211.2990	High Volume Low Pressure (HVLP) Spray			
211.3010	Hood			
211.3030	Hot Well			
211.3050	Housekeeping Practices			



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211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation

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## NOTICE OF PROPOSED AMENDMENTS

211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO[x] Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings

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211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfactant Coat
211.5110	Primer Surfactant Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Purged Process Fluid
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argon Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant

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211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source



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211.6350 Stationary Emission Unit  
 211.6355 Stationary Gas Turbine  
 211.6360 Stationary Reciprocating Internal Combustion Engine  
 211.6370 Stationary Source  
 211.6390 Stationary Storage Tank  
 211.6400 Stencil Coat  
 211.6410 Storage Tank or Storage Vessel  
 211.6420 Strippable Spray Booth Coating  
 211.6430 Styrene Devolatilizer Unit  
 211.6450 Styrene Recovery Unit  
 211.6470 Submerged Loading Pipe  
 211.6490 Substrate  
 211.6510 Sulfuric Acid Mist  
 211.6530 Surface Condenser  
 211.6540 Surface Preparation Materials  
 211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant  
 211.6570 Tablet Coating Operation  
 211.6580 Texture Coat  
 211.6590 Thirty-Day Rolling Average  
 211.6610 Three-Piece Can  
 211.6620 Three or Four Stage Coating System  
 211.6630 Through-the-Valve Fill  
 211.6650 Tooling Resin  
 211.6670 Topcoat  
 211.6690 Topcoat Operation  
 211.6695 Topcoat System  
 211.6710 Touch-Up  
 211.6720 Touch-Up Coating  
 211.6730 Transfer Efficiency  
 211.6750 Tread End Cementing  
 211.6770 True Vapor Pressure  
 211.6790 Turnaround  
 211.6810 Two-Piece Can  
 211.6830 Under-the-Cup Fill  
 211.6850 Undertread Cementing  
 211.6860 Uniform Finish Blender  
 211.6870 Unregulated Safety Relief Valve  
 211.6880 Vacuum Metallizing  
 211.6890 Vacuum Producing System  
 211.6910 Vacuum Service  
 211.6930 Valves Not Externally Regulated  
 211.6950 Vapor Balance System  
 211.6970 Vapor Collection System  
 211.6990 Vapor Control System  
 211.7010 Vapor-Mounted Primary Seal  
 211.7030 Vapor Recovery System  
 211.7050 Vapor-Suppressed Polyester Resin  
 211.7070 Vinyl Coating

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211.7090 Vinyl Coating Line  
 211.7110 Volatile Organic Liquid (VOL)  
 211.7130 Volatile Organic Material Content (VOMC)  
 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)  
 211.7170 Volatile Petroleum Liquid  
 211.7190 Wash Coat  
 211.7200 Washoff Operations  
 211.7210 Wastewater (Oil/Water) Separator  
 211.7230 Weak Nitric Acid Manufacturing Process  
 211.7250 Web  
 211.7270 Wholesale Purchase - Consumer  
 211.7290 Wood Furniture  
 211.7310 Wood Furniture Coating  
 211.7330 Wood Furniture Coating Line  
 211.7350 Woodworking  
 211.7400 Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

**AUTHORITY:** Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994;

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or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belong to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of source or group of stationary sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112), or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination whether any group of stationary sources are located on adjacent or contiguous properties, are under common control, or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART B: DEFINITIONS

Section 211.4067 NO[x] Trading Program

For the purposes of 35 Ill. Adm. Code 217, Subparts U and W, the NO[x] Trading Program shall meet the requirements of 35 Ill. Adm. Code 217, Subparts U and W, and those provisions of the federal NO[x] Trading Program, 40 CFR 96, incorporated by reference therein.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.6130 Source

Except as provided below, "Source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent property belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112). For the purposes of 35 Ill. Adm. Code 217, Subparts T, U, V, W and X, "source" means any stationary source (or any group of stationary sources) located on one



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1) Heading of Part: Nitrogen Oxides Emissions

2) Code Citation: 35 Ill. Adm. Code 217

3) Section Numbers: Proposed Action:

217.650 New  
217.652 New  
217.654 New  
217.656 New  
217.658 New  
217.660 New  
217.662 New  
217.664 New  
217.666 New  
217.668 New  
217.670 New  
217.674 New  
217.676 New  
217.678 New  
217.680 New  
217.682 New  
217.800 New  
217.805 New  
217.810 New  
217.815 New  
217.820 New  
217.825 New  
217.830 New  
217.835 New  
217.840 New  
217.845 New  
217.850 New  
217.855 New  
217.860 New  
217.865 New  
APPENDIX E New

4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Section 27 and 28.8 of the Environmental Protection Act (Act) [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's opinion of October 19, 2000, R01-17, available from the address in item 11, below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency (Agency) under the fast-track rulemaking provision of Section 28.5 of the Act. In summary, new Subpart U to 35 Ill. Adm. Code is proposed to control the emissions of nitrogen oxides (NO[x]) from

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specified fossil fuel-fired stationary boilers, combustion turbines, and combined cycle systems. New Subpart X to 35 Ill. Adm. Code details procedures to obtain voluntary reductions of emissions of NO[x] from other specified sources for the purpose of transferring NO[x] allowances created by those reductions from the non-trading portion of the statewide NO[x] budget, as established in the NO[x] SIP Call, to either the electrical generating unit (EGU) or non-EGU portion of the NO[x] trading budget, during the period May 1 through September 30 of each year, beginning in 2003. These new Parts must be read in conjunction with the amendments to Part 211, also proposed in this docket R01-17.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
217.100	Amend	24 Ill. Reg. 11493
217.101	Amend	24 Ill. Reg. 11493
217.102	Amend	24 Ill. Reg. 11493
217.104	Amend	24 Ill. Reg. 11493
217.600	New	24 Ill. Reg. 13579
217.602	New	24 Ill. Reg. 13579
217.604	New	24 Ill. Reg. 13579
217.608	New	24 Ill. Reg. 13579
217.610	New	24 Ill. Reg. 13579
217.700	New	24 Ill. Reg. 16200
217.702	New	24 Ill. Reg. 16200
217.704	New	24 Ill. Reg. 16200
217.706	New	24 Ill. Reg. 16200
217.708	New	24 Ill. Reg. 16200
217.710	New	24 Ill. Reg. 16200
217.712	New	24 Ill. Reg. 16200
217.714	New	24 Ill. Reg. 16200
217.716	New	24 Ill. Reg. 16200
217.750	New	24 Ill. Reg. 11493
217.752	New	24 Ill. Reg. 11493
217.754	New	24 Ill. Reg. 11493
217.756	New	24 Ill. Reg. 11493
217.758	New	24 Ill. Reg. 11493
217.760	New	24 Ill. Reg. 11493
217.762	New	24 Ill. Reg. 11493
217.764	New	24 Ill. Reg. 11493

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217.766 New 24 Ill. Reg. 11493  
 217.768 New 24 Ill. Reg. 11493  
 217.770 New 24 Ill. Reg. 11493  
 217.772 New 24 Ill. Reg. 11493  
 217.774 New 24 Ill. Reg. 11493  
 217.776 New 24 Ill. Reg. 11493  
 217.778 New 24 Ill. Reg. 11493  
 217.780 New 24 Ill. Reg. 11493  
 217.782 New 24 Ill. Reg. 11493  
 APPENDIX D New 24 Ill. Reg. 11493  
 APPENDIX F New 24 Ill. Reg. 11493

- 10) Statement of Statewide Policy Objectives: The proposed amendments are made under the authority of Sections 5/9.9, 27, and 28.5 of the Act. The amendments proposed by the Agency are required to be adopted by the State under Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1) of the federal Clean Air Act Amendments of 1990 (CAA), 42 U.S.C. Sections 7401(a), 7502(b), 7511a(b)(1)(A), 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency (USEPA) for approval to satisfy a portion of the requirements of the so-called NO[x] SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998).

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. (30 ILCS 805/3).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-17 and be addressed to:

Dorothy Gunn  
 Clerk of the Pollution Control Board  
 100 West Randolph Street  
 Suite 11-500  
 Chicago IL 60601

Address all questions to Bobb Beauchamp, at 312-814-6926.

The Board will also accept comment at hearings scheduled for the following dates:

November 29, 2000, at 9:30 a.m.  
 James R. Thompson Center  
 Room 9-040  
 100 West Randolph Street  
 Chicago Illinois 60601

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December 20, 2000, at 9:30 am.  
 James R. Thompson Center  
 Room 9-040  
 100 West Randolph Street  
 Chicago Illinois 60601  
 January 3, 2001, at 9:30 a.m.  
 James R. Thompson Center  
 Room 9-040  
 100 West Randolph Street  
 Chicago Illinois 60601\*

\*Pursuant to section 28.5(g)(3) of the Act, the third hearing shall be cancelled if the Agency indicates to the Board that the Agency does not intend to introduce any additional material.

Request copies of the Board's opinion and order in Docket R01-17 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 12) Initial Regulatory Flexibility Analysis: No small businesses will be affected to a degree greater than currently required under existing state regulations or allowed by federal law.

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Under Subpart U, only those small businesses, small municipalities and not-for-profit corporations that own or operate large Electrical Generating Units or large Non-Electrical Generating Units with NO[x] emissions greater than one ton per day would be affected. Subpart X is a voluntary program, and only those units electing to participate will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments require the owner or operator of a unit subject to Subpart U, and the account representative for the unit under the federal NO[x] Trading Program (40 CFR part 96), to keep copies of the documents listed in Section 217.656(e).

For those units electing to participate under Subpart X, the proposed amendments require the owner or operator of a unit: to report the total control period NO[x] emissions of each NO[x] unit at the source subject to the NO[x] emission cap to the Agency; within 30 days of receipt of such data or evaluation submit to the Agency the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS; to keep and maintain records listed in Section 217.860(a) for each NO[x] emission unit at the source subject to the NO[x] emission cap; and to keep on site at the source the records listed in Section



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217.860(b) for a period of five years. This time period may be extended for cause in writing by the Agency.

- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required.

- 13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 217

## NITROGEN OXIDES EMISSIONS

## SUBPART A: GENERAL PROVISIONS

Section	Scope and Organization
217.100	Measurement Methods
217.101	Abbreviations and Units
217.102	Definitions
217.103	Incorporations by Reference
217.104	

## SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	New Emission Sources
217.121	

## SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section	Existing Emission Sources in Major Metropolitan Areas
217.141	

## SUBPART K: PROCESS EMISSION SOURCES

Section	Industrial Processes
217.301	

## SUBPART O: CHEMICAL MANUFACTURE

Section	Nitric Acid Manufacturing Processes
217.381	

SUBPART U: NO[x] CONTROL AND TRADING PROGRAM FOR  
SPECIFIED NO[x] GENERATING UNITS

Section	Purpose
217.650	Severability
217.652	Applicability
217.654	Compliance Requirements
217.656	Permitting Requirements
217.658	Subpart U NO[x] Trading Budget
217.660	

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217.662 Methodology for Obtaining NO[x] Allocations  
217.664 Methodology for Determining Required NO[x] Allocations  
217.666 NO[x] Allocations for Subpart U Budget Units  
217.668 New Source Set-Aside for "New" Budget Units  
217.670 Early Reduction Credits for Budget Units  
217.674 Opt-in Units  
217.676 Opt-in Process  
217.678 Opt-in Budget Units: Withdrawal from the NO[x] Trading Program  
217.680 Opt-in Budget Units: Change in Regulatory Status  
217.682 Allowance Allocations to Opt-in Budget Units

## SUBPART V: ELECTRIC POWER GENERATION

Section  
217.521 Lake of Egypt Power Plant

## SUBPART X: VOLUNTARY NO[x] EMISSIONS REDUCTION PROGRAM

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AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.9, 10 and 27.]

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended at R01-17, at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART U: NO[x] CONTROL AND TRADING PROGRAM FOR  
SPECIFIED NO[x] GENERATING UNITS

## Section 217.650 Purpose

The purpose of this Subpart is to cap the emissions of nitrogen oxides (NO[x]) during the ozone control period from units subject to the provisions of this Subpart ("budget units") by determining source allocations and by implementing the federal NO[x] Trading Program, 40 CFR 96, consistent with the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.652 Severability

If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.654 Applicability

- a) This Subpart applies to any fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system, with a maximum design heat input greater than 250 mmbtu/hr and that is:
- 1) A unit listed on Appendix E of this Subpart, or
  - 2) A unit not listed on Appendix E of this Subpart that:
    - A) At no time serves a generator producing electricity for sale; or
    - B) At any time serves a generator producing electricity for sale, if such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50% of the potential electrical output capacity of the unit. Fifty percent (50%) of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is smaller than this calculated number, the unit is subject to the provisions of this Subpart, but if the size of the generator is greater than this calculated number, the unit is subject to the provisions of Subpart W of this Part; or
- C) Is part of any source, as that term is defined in 35 Ill. Adm. Code Section 211.6135, listed on Appendix E of this Part.



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- b) Those units that meet the above criteria and are subject to the NO[x] Trading Program emissions limitations contained in this Subpart are budget units.
- c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget unit subject to the requirements of subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions that meet the requirements of subsection (c)(1) of this Section. Starting with the effective date of such permit, the unit shall be subject only to the requirements of this subsection.
- 1) For each control period the owner or operator elects low emitter status, the federally enforceable permit conditions must:
- A) Restrict the unit to burning only natural gas, fuel oil, or natural gas and fuel oil;
  - B) Limit the unit's potential NO[x] mass emissions for the control period to 25 tons or less;
  - C) Restrict the unit's operating hours to the number calculated by dividing 25 tons of potential NO[x] mass emissions by the unit's maximum potential hourly NO[x] mass emissions;
  - D) Require that the unit's potential NO[x] mass emissions shall be calculated by using the monitoring provisions of 40 CFR 75, or if the unit does not rely on these monitoring provisions, by using the applicable default rate as follows:
    - i) Select the applicable default NO[x] emission rate: 0.7 lb/mmbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mmbtu for boilers burning natural gas exclusively during the control period; or 2 lbs/mmbtu for boilers burning any fuel oil during the control period.
    - ii) Multiply the default NO[x] emission rate under subsection (c)(1)(D)(i) of this Section by the unit's maximum rated hourly heat input which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the unit may request in the permit application required by this subsection that the Agency use a lower value for the unit's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must demonstrate that such lower value is representative of the unit's current capabilities because modifications have been made to the unit that permanently limit the unit's capacity.

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- A) Require that for five years at the source that includes the unit, records demonstrating that the operating hours restriction, the fuel use restriction and the other requirements of the permit related to these restrictions were met; and
  - F) Require that the owner or operator of the unit report during each control period to the Agency the unit's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input and fuel use by type. This report shall be submitted by November 1 of each year the unit elects low-emitter status.
- 2) The Agency will notify the USEPA in writing of each unit electing low-emitter status pursuant to the requirements of subsection (c)(1) of this Section and when any of the following occurs:
- A) The permit with federally enforceable conditions that includes the restrictions in subsection (c)(1) of this Section is issued by the Agency;
  - B) Such permit is revised to remove any such restriction;
  - C) Such permit includes any such restriction that is no longer applicable; or
  - D) The unit does not comply with any such restriction.
- 3) The unit shall become subject to the requirements of this Subpart if, for any control period under subsection (c) of this Section, the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section is removed from the unit's permit or otherwise is no longer applicable, or the unit does not comply with the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section. Such unit shall be treated as commencing operation on September 30 of the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the operating hours restriction.
- 4) The owner or operator of a unit to which the Agency has ever allocated allowances under Appendix E of this Part may elect low-emitter status. In that case, the Agency will reduce the Subpart U NO[x] budget by the number of allowances corresponding to the amount of NO[x] emissions the unit is permitted to emit during the control period, pursuant to a federally enforceable condition in the unit's permit. The owner or operator of a unit electing low-emitter status may demonstrate that it holds sufficient allowances to cover the unit's NO[x] emissions by offsetting the emissions from such unit, not to exceed its permitted emission limit as included in its federally enforceable permit, with allowances issued for voluntary NO[x] reductions meeting the requirements of Subpart X of this Part. The Agency will not reduce the Subpart U NO[x] budget by the allowances issued for NO[x] reductions obtained in accordance with Subpart X

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of this Part.

- d) The owner or operator of any budget unit not listed in Appendix E of this Part but is subject to this Subpart shall not receive an allocation of NO<sub>x</sub> allowances from the Subpart U NO<sub>x</sub> Trading Budget, except for any allowance from the new source set aside in accordance with Section 217.668 of this Subpart, or receive any allocation from the Subpart W NO<sub>x</sub> Trading Budget, but must acquire NO<sub>x</sub> allowances in an amount not less than the NO<sub>x</sub> emissions from such budget unit during the control period (rounded to the nearest whole ton) in accordance with the federal NO<sub>x</sub> Trading Program. Subpart X of this Part or pursuant to a permanent transfer of NO<sub>x</sub> allocations pursuant to Section 217.662(b) of this Subpart.
- e) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on *The first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO<sub>x</sub> SIP call* (63 Fed. Reg. 57355 (October 27, 1998)) *That are located in USEPA Region V or are that contiguous to Illinois have adopted regulations to implement NO<sub>x</sub> trading programs and other required reductions of NO<sub>x</sub> emissions pursuant to the NO<sub>x</sub> SIP call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective.*

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.656 Compliance Requirements

All budget units subject to the requirements of this Subpart must comply with the following:

- a) The requirements of this Subpart and 40 CFR 96, excluding 40 CFR 96.4(b), 96.55(c), and excluding 40 CFR 96, subparts C, E, and I, as incorporated by reference in Section 217.104 of this Part. To the extent that this Subpart contains provisions which are inconsistent with any provisions of 40 CFR 96, the owner or operator of budget units subject to this Subpart shall comply with the provisions of this Subpart in lieu of those provisions which were incorporated by reference.

## b) Permit requirements:

- 1) The owner or operator of each source with one or more budget units at the source subject to this Subpart must submit a complete permit application for a budget permit in accordance with the provisions of Section 217.658(a)(4), (a)(5) or (a)(6), as applicable, to be issued by the Agency with federally enforceable conditions covering the NO<sub>x</sub> Trading Program ("budget permit"), and that complies with the requirements of

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Section 217.658 of this Subpart.

- 2) The owner or operator of one or more budget units subject to this Subpart must operate each such budget unit in compliance with such budget permit or complete budget permit application, as applicable.
- 3) The owner or operator of one or more budget units subject to this Subpart, at the time of filing an application for a permit under this Section, must either obtain a permit incorporating a source-wide overdraft account (as such term is defined in 40 CFR 96.2), or a permit incorporating unit specific compliance accounts for each budget unit at the source subject to this Subpart. Such election shall be at the sole discretion of the owner or operator of the source and the Agency shall incorporate such election into a permit issued to the source pursuant to this Subpart.

## c) Monitoring requirements:

- 1) For budget units subject to the requirements of this Subpart, and which commence operation on and after January 1, 2000, the owner or operator of each such budget unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each such budget unit at the source shall comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.
- 2) The compliance of each budget unit subject to the requirements of subsection (c)(1) or subsection (c)(3)(A) of this Section with the control period NO<sub>x</sub> emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.
- 3) For budget units which commenced operation prior to January 1, 2000:
- A) The owner or operator of each such budget unit at the source must comply with the requirements of 40 CFR 96, subpart H; or
- B) If the monitoring requirements of 40 CFR 96, subpart H, are demonstrated by the source to be technically infeasible as applied to a budget unit subject to the requirements of this Subpart, the owner or operator of such budget unit may monitor by an alternative monitoring procedure for the budget unit approved by the Agency and the Administrator of USEPA pursuant to the provisions of 40 CFR 75, subpart E. Such alternative monitoring procedures must be contained as federally enforceable conditions in the unit's permit.
- C) The compliance of each budget unit subject to the requirements of subsection (c)(3)(B) of this Section shall be determined by the emissions measurements recorded and reported in accordance with the federally enforceable conditions in the budget unit's permit addressing monitoring



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as required by subsection (c)(3)(B) of this Section.

**d) NO[x] requirements:**

- 1) As of November 30 of each year, the allowance transfer deadline, the account representative of each source subject to the requirements of this Subpart must hold allowances available for compliance deductions under 40 CFR 96.54 for each budget unit at the source subject to this Subpart in the budget unit's compliance accounts, or the source's overdraft account. The number of allowances held in these accounts shall not be less than the total NO[x] emissions for the control period (rounded to the nearest whole ton), as determined in accordance with Section 217.656(c) of this Subpart, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for all budget units at the source subject to this Subpart. Compliance with this provision shall be demonstrated if, as of the allowance transfer deadline, the sum of the allowances available for compliance deductions for all budget units at the source subject to this Subpart is equal to or greater than the total NO[x] emissions (rounded to the nearest whole ton) from all budget units at the source subject to this Subpart.
- 2) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G.
- 3) Each ton of NO[x] emitted by a source with one or more budget units subject to this Subpart in any control period in excess of the NO[x] allowances held by the owner or operator for each budget unit at the source subject to this Subpart for each control period shall constitute a separate violation of this Subpart and the Act.
- 4) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance was allocated.
- 5) An allowance allocated by the Agency or USEPA under the NO[x] Trading Program is a limited authorization to emit one ton of NO[x]. No provision of the NO[x] Trading Program, any permit issued or permit application submitted pursuant to this Subpart, or an exemption under 40 CFR 96.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.
- 6) An allowance allocated by the Agency or USEPA under the NO[x] Trading Program or pursuant to this Subpart does not constitute a property right.
- 7) Upon recordation by USEPA under 40 CFR 96, subpart F or G, every allocation, transfer, or deduction of an allowance to or from a budget unit's compliance account or to or from the source's general or overdraft account where the budget unit is located is

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deemed to amend automatically and become a part of any budget permit of the budget unit. This automatic amendment of the budget permit shall occur by operation of law and will not require any further review.

**e) Recordkeeping and reporting requirements:**

- 1) Unless otherwise provided, the owner or operator of a source subject to the requirements of this Subpart must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause at any time prior to the end of five years in writing by the Agency or USEPA.
  - A) The account certificate of representation for the account representative for the source and each budget unit at the source subject to the requirements of this Subpart and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and such supporting documents must be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.
  - B) All emissions monitoring information, in accordance with Section 217.656(c), provided that to the extent that 40 CFR 96, subpart H, provides for a three-year period for recordkeeping, the three-year period shall apply.
  - C) Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart or the NO[x] Trading Program or documents necessary to demonstrate compliance with the requirements of this Subpart or the NO[x] Trading Program.
  - D) Copies of all documents used to complete a budget permit application and any other submission under this Subpart or under the NO[x] Trading Program.
- 2) The account representative of a source and each budget unit at the source subject to the requirements of this Subpart must submit to the Agency and USEPA the reports and compliance certifications required under this Subpart and the NO[x] Trading Program, including those under 40 CFR 96, subparts D and H.
  - f) Liability:
    - 1) No revision of a budget permit shall excuse any violation of the requirements of the NO[x] Trading Program or this Subpart that occurs prior to the date that the revision under such budget permit takes effect.
    - 2) Each budget source and each budget unit at the source shall meet the requirements of the NO[x] Trading Program.
    - 3) Any provision of this Subpart or the NO[x] Trading Program that

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Program and requirements of this Subpart and shall be a complete and segregable portion of the source's entire permit issued pursuant to subsection (a)(1) of this Section.

3) No budget permit will be issued, and no NO[x] allowance account will be established for any budget unit subject to this Subpart, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and each budget unit at the source subject to this Subpart.

4) For any budget unit subject to this Subpart that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Section on or before November 1, 2003.

5) For any budget unit subject to this Subpart that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Section on or before August 1, 2003.

6) For any budget unit subject to this Subpart that is subject to Section 39.5 of the Act and that commences operation on or after August 1, 2003, and for any budget unit subject to this Subpart and not subject to Section 39.5 of the Act that commences operation on or after November 1, 2003, the owner or operator of such budget units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Section.

b) Budget permit applications:

1) Duty to apply. The owner or operator of any source with one or more budget units subject to this Subpart must submit to the Agency one or more complete budget permit applications under subsection (c) of this Section for such budget units by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with such budget units must reapply for a budget permit as required by this Subpart, and 35 Ill. Adm. Code 201 and Sections 39 and 39.5 of the Act.

2) Information requirements for budget permit applications. A complete budget permit application must include the following elements concerning the budget units for which the application is submitted:

A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility

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applies to a source subject to the requirements of this Subpart (including a provision applicable to the account representative of the source) shall also apply to the owner and operator of such source and to the owner and operator of the budget units subject to the requirements of this Subpart at the source.

4) Any provision of this Subpart or the NO[x] Trading Program that applies to a budget unit subject to the requirements of this Subpart (including a provision applicable to the account representative of such budget unit) shall also apply to the owner and operator of such budget unit. Except with regard to the requirements applicable to budget units with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget unit shall not be liable for any violation by any other budget unit of which they are not an owner or operator or the account representative and that is located at a source of which they are not an owner or operator or the account representative.

5) Excess emissions requirements. The account representative of a source that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).

6) The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.

g) Effect on other authorities. No provision of this Subpart, the NO[x] Trading Program, a budget permit application, a budget permit, or a retired budget unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner or operator and, to the extent applicable, the account representative of a source or budget unit from compliance with any other regulations promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 217.658 Permitting Requirements

a) Budget permit requirements:

1) The owner or operator of each source with one or more budget units subject to this Subpart is required to timely submit, in accordance with subsection (a)(4), (a)(5), or (a)(6) of this Section, as applicable, a complete permit application addressing all requirements of this Subpart applicable to such budget units.

2) Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable requirements of the NO[x] Trading



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code assigned to the source by the Energy Information Administration must also be included, if applicable;

- B) Identification of each fossil fuel-fired combustion turbine, stationary boiler or combined cycle system budget unit at the source. An explanation whether each budget unit is subject to the requirements of Section 217.654 of this Subpart; and

- C) The compliance requirements of Section 217.656 of this Subpart.

- 3) An application for a budget permit shall be treated as a modification of the source's existing federally enforceable permit, if such permit has been issued for the source, and shall be subject to the same procedural requirements. When the Agency issues a budget permit, it shall be incorporated into and become a segregable part of the source's existing federally enforceable permit.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.660 Subpart U NO(x) Trading Budget**

- a) The initial NO(x) allowances available for allocation for each control period (the Subpart U NO(x) Trading Budget) for budget units subject to the provisions of this Subpart shall be 4,882 tons per control period, subject to adjustment in accordance with subsections (b), (c) and (d) of this Section, allowances issued pursuant to reductions obtained in accordance with Subpart X of this Part, and subject to the new source set aside for budget units subject to this Subpart, as set forth in Sections 217.662 and 217.664 of this Subpart. The Subpart U NO(x) Trading Budget shall be initially allocated as set forth in Appendix E of this Part.

- b) The Agency may adjust the Subpart U NO(x) Trading Budget available for allocations in subsection (a) of this Section by removing allowances for budget units subject to this Subpart opting to become exempt pursuant to the requirements for low-emitters in Section 217.654(c) of this Subpart.

- c) The Agency shall adjust the Subpart U NO(x) Trading Budget available for allocations in subsection (a) of this Section by adding any allowances issued for voluntary reductions of NO(x) emissions in accordance with the provisions of Subpart X of this Part.

- d) The Agency shall adjust the Subpart U NO(x) Trading Budget available for allocations in subsection (a) of this Section to remove allowances from units opting to become exempt pursuant to the requirements for low-emitters in Section 217.654(c) of this Subpart.

- e) Except as set forth in subsection (f) of this Section, if USFPA adjusts the base Subpart U NO(x) Trading Budget of 4,882 allowances, the Agency will adjust the Subpart U NO(x) Trading Budget pro-rata.

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- f) If USEPA adjusts the Subpart U NO(x) Trading Budget as to any individual budget unit, the Subpart U NO(x) Trading Budget shall not be adjusted pro-rata, and only the allowance allocation for that budget unit will be adjusted.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.662 Methodology for Obtaining NO(x) Allocations**

- a) Appendix E of this Part identifies the sources with existing budget units subject to this Subpart and the number of NO(x) allowance allocations that each such budget unit is eligible to receive each control period, subject to adjustment in accordance with Section 217.660 of this Subpart and for transfers made in accordance with Subsection (b) of this Section. Each named budget unit's allocation will be adjusted proportionally based on the adjusted Subpart U NO(x) trading budget as provided by Section 217.660(b) (d) and (e) of this Subpart.

- b) The owner or operator of budget units subject to this Subpart may permanently transfer all or part of their allocation of allowances pursuant to column 4 of Appendix E of this Part, subject to adjustment in accordance with this Subpart, to another budget unit subject to this Subpart, or to a budget unit subject to Subpart W of this Part. Such transfer will be effective by submitting a written request to the Agency that is signed by the account representative for the transferring budget unit and containing the account number for the recipient budget unit. The owner or operator of budget units subject to this Subpart may not permanently transfer all or part of the new source set aside indicated in column 5 of Appendix E of this Part.

- c) Subject to adjustment in accordance with this Subpart, revocation or revision of the federal NO(x) Trading Program or this Subpart, allocations pursuant to Appendix E of this Part exist for the life of the program, including all or a portion of any allocation transferred to another budget unit pursuant to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.664 Methodology for Determining Required NO(x) Allocations**

- a) The methodology for calculating the allowances available to be allocated to new budget units subject to this Subpart from the new source set aside is based on the more stringent emission rate of 0.15 lb/mmBtu or the permitted NO(x) emission rate, but not less than 0.055 lb/mmBtu.

- b) The general equation for determining allowances is:

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$$A = \frac{HI \times ER}{2000}$$

Where HI = heat input (in mmbtu/control period) as determined in accordance with subsection (c) of this Section.

Where ER = The NO[x] emission rate in lbs/mmbtu as determined in accordance with subsection (a) of this Section.

Where A = allowances of NO[x] control period.

c) The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:

- 1) For "new" budget units subject to this Subpart that have heat input from at least three control periods prior to the allocation year, the average of the budget unit's two highest seasonal heat inputs from the control periods one to three years prior to the allocation year;
- 2) For "new" budget units subject to this Subpart that have heat input from only two control periods prior to the allocation year, the average of the budget unit's seasonal heat inputs from the control periods one and two years prior to the allocation year;
- 3) For "new" budget units subject to this Subpart that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or
- 4) For "new" budget units subject to this Subpart that have not operated for at least 77 days of the control period prior to the allocation year, the budget unit's maximum design heat input for the control period as designated in the construction permit.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 217.666 NO[x] Allocations for Subpart U Budget Units

For each control period, the Agency will allocate the total number of NO[x] allowances in the Subpart U NO[x] Trading Budget apportioned to budget units under Section 217.660 of this Subpart, subject to adjustment as provided in this Subpart. These allocations will be issued as provided in subsections (a) through (b) of this Section. Specifically,

- a) The Agency will allocate to each budget unit that is listed in Appendix E of this Part the number of allowances listed in Column 5 of Appendix E of this Part for that budget unit for each three year period of the program. The Agency will report these allocations to USEPA by March 1 of 2004, and triennially thereafter.
- b) The Agency will allocate allowances from the new source set-aside to

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"new" budget units as set forth in Section 217.668 of this Subpart. The Agency will report allocations from the new source set-aside to USEPA by April 1 of each year for the following year.

- c) To the extent that allowances remain in the new source set-aside after any allocation pursuant to subsection (b) of this Section, the Agency shall allocate any such remaining allowances pro-rata to the owner or operator of the budget units listed on Appendix E of this Part to the extent a whole allowance may be allocated to any such owner or operator. The Agency will make such allocation by April 15 of each year. If there are insufficient allowances to allocate a whole allowance to any such owner or operator of a budget unit listed on Appendix E of this Part, such allowances shall be retained by the Agency in the new source set-aside. Any such allowances retained in the new source set-aside shall be accumulated in the new source set-aside and may either:

- 1) Be available for allocation to new budget units for future control periods, subject to the provisions of Section 217.668 of this Subpart; or
- 2) If, after any annual allocation to new budget units, there are sufficient allowances accumulated in the new source set-aside to allocate one or more whole allowances to the owner or operator of existing budget units listed on Appendix E of this Part on a pro-rata basis, such accumulated whole allowances shall be allocated pro-rata to such owner or operators.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 217.668 New Source Set-Asides for "New" Budget Units

- a) For the 2004, 2005 and 2006 control periods, a "new" budget unit is one that commenced commercial operation on or after January 1, 2000. For the 2007 and later control periods, a "new" budget unit is one that commenced commercial operation no more than three (3) control periods prior to the year the allocation is requested pursuant to this Section. Those units that commenced commercial operation on or after January 1, 2000, but before May 31, 2004, become "existing" budget units on October 1, 2004. Those units that commenced commercial operation on or after May 31, 2004, become "existing" budget units the end of the third control period after they commenced commercial operation.
- b) "New" budget units must have an allowance for every ton of NO[x] emitted during the control period as provided in Section 217.656(d) of this Subpart.
- c) The Agency will establish a new source set-aside for each control period from which "new" budget units may purchase NO[x] allowances. Each new source set-aside will be allocated allowances equal to percent of each source's initial total Subpart U NO[x] Trading Budget



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allocation as reflected in Column 5 of Appendix E of this Part, which is 146 allowances, for each control period. The allocation for the new source set aside from each source shall be based on three percent of the source's initial allocation, without regard to subsequent adjustment to any such source's current allocation, including permanent transfer of allowances to another source or revision of the Subpart U NO[x] Trading Budget by USEPA.

d) A "new" budget unit may request to purchase from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in Section 217.664 of this Subpart, and subject to the provisions of this Section.

e) The account representative of a "new" budget unit under subsection (a) of this Section may purchase allowances from the new source set-aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the "new" budget unit and before March 1 of the control period for which the allocation is requested.

f) The Agency shall apportion allowances from the new source set-aside to "new" budget units requesting to purchase NO[x] allowances in accordance with subsection (e) of this Section, and subject to the provisions of this Section.

g) In an allocation request under subsection (e) of this Section, the account representative may request to purchase allowances for a control period in a number that does not exceed the projected heat input in mmbtu during the applicable control period multiplied by the more stringent of 0.15 lb/mmbtu or the permitted emission rate, but no more stringent than 0.055 lb/mmbtu.

h) The Agency will notify the account representative by March 1 of the applicable year of the number of allowances that are eligible for purchase for the "new" budget unit pursuant to the requirements of this Section. If the Agency does not receive payment by March 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget units requesting allocations pursuant to Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (i) of this Section.

i) The price of allowances from the new source set-aside shall be:

- 1) The average price at which NO[x] allowances are traded in the interstate NO[x] Trading Program for the preceding control period; and
- 2) For 2004 only, the price shall be the average price at which NO[x] allowances were traded in 2003 in the Ozone Transport Region.

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3) The fees collected by the Agency from the sale of allowances will be distributed pro-rata to budget units receiving allowances pursuant to Appendix E of this Part on the basis of allocated allowances, subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.670 Early Reduction Credits for Budget Units

If a budget unit reduces its NO[x] emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001 or 2002, control period, or if approved by USEPA, the 2003 control period, for use in 2004 control period, or later control periods authorized by USEPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget unit in accordance with the following:

- a) Each budget unit for which the account representative requests any ERCs under subsection (d) of this Section must monitor NO[x] emissions in accordance with 40 CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested and for each control period for which ERCs will be requested. For example, if ERCs are requested for reduction made in the 2001 control period, the budget unit must have implemented the applicable monitoring for the 2000 control period. The budget unit's monitoring system availability must be not less than 90 percent during the control period prior to the control period in which the NO[x] emissions reduction is made and the budget unit must be in compliance with any applicable State or federal emissions or emissions-related requirements.
- b) The NO[x] emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, subpart H.
- c) Each budget unit for which ERCs are requested under subsection (d) of this Section must have reduced its NO[x] emission rate for each control period for which ERCs are requested by at least 30% less than the actual NO[x] emissions rate (lbs/mmbtu) for the 2001 control period.
- d) The account representative of a budget unit that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for the budget unit based on NO[x] emission rate reductions made by the budget unit in control periods 2001, 2002 and 2003 in accordance with subsection (c) of this Section.
  - 1) The number of ERCs that may be requested for any applicable control period shall be an amount equal to the budget unit's heat input for such control period multiplied by the difference

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between the budget unit's NO[x] emission rate (meeting the requirements of subsection (c) of this Section for such the applicable control period) and the budget unit's actual NO[x] emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton;

- 2) Upon request of the account representative, the ERC allowance allocation for a particular budget unit may be deposited in the source's overdraft account rather than in the budget unit's compliance account; and
- 3) The early reduction request must be submitted in a format specified by the Agency by:
  - A) November 1, 2001 for reductions made in the 2001 control period;
  - B) November 1, 2002, for reductions made in the 2002 control period; and
  - C) November 1, 2003, for reductions made in the 2003 control period.

e) In the event that the date for implementing the NO[x] SIP Call, May 31, 2004, is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NO[x] SIP Call, 63 Fed. Reg. 57356 (October 27, 1998).

f) The Agency will allocate ERCs to the budget units meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:

- 1) Upon receipt of each ERC request, the Agency will accept the request only if the requirements of subsections (a) through (d) of this Section are met and will make any necessary adjustment to the request to ensure that the amount of the ERCs requested meets the requirements of subsections (b) through (d) of this Section;
- 2) The Agency shall allocate no more than 2,427 ERCs over three years, as follows:
  - A) Not more than one-half of the total ERC allowances for reductions made in the control period in 2001;
  - B) Not less than one-half of the total ERC allowances for reductions made in the control period in 2002; and
  - C) If approved by USEPA, any ERC allowances not allocated pursuant to subsections (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003.

3) If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(2)(A) and (B) of this Section, the Agency will allocate to each budget unit one allowance for each accepted ERC request; and

- 4) If the number of ERC allowances requested for a reduction achieved in control period in 2003 is greater than the number of

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ERC allowances designated for that control period in subsection (e)(2)(A) of this Section, the Agency will allocate to each budget unit allowances for accepted requests on a pro-rata basis. The Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget unit for that control period as follows:

- 1) By March 1, 2002, for ERCs requested for and earned in the 2001 control period;
- 2) By March 1, 2003, for ERCs requested for and earned in the 2002 control period; and
- 3) By March 1, 2004, for ERCs requested for and earned in the 2003 control period.

g) By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section.

h) ERC allowances recorded under subsection (h) of this Section may be deducted for compliance under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control period in 2004 or such control periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2004 or such control periods as may be specified by USEPA.

i) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 217.674 Opt-in Units

a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State may qualify under this Subpart to become a opt-in budget unit if it:

- 1) Is not a budget EGU under Subpart W of this Part;
- 2) Vents all of its emissions to a stack;
- 3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;
- 4) Is not covered by a retired unit exemption under 40 CFR 96.5; and
- 5) Is not covered by the low-emitter exemption under Section 217.654(c) of this Subpart.

b) Except as otherwise provided in this Subpart, a opt-in budget unit shall be treated as a budget unit for purposes of applying this Subpart and 40 CFR 96.



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## c) Authorized Account Representative:

- 1) If an opt-in unit is located at the same source as one or more budget units, it shall have the same account representative as those budget units.
- 2) If the opt-in unit is not located at the same source as one or more budget units, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.

## d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.678(f) of this Subpart, submit to the Agency:

- 1) A budget permit application for the unit that:
  - A) Meets the requirements under Section 217.658 of this Subpart; and
  - B) Contains provisions for a change in the regulatory status of the unit to a opt-in budget unit under Section 217.654 of this Subpart pursuant to the provisions of Section 217.680(b) of this Subpart.
- 2) A monitoring plan for the unit in accordance with 40 CFR 96, subpart H.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.676 Opt-In Process**

The owner or operator of a unit meeting the qualifications of Section 217.674(a) of this Subpart may submit an application for a budget permit for a opt-in budget unit under Section 217.674(d) of this Subpart. The Agency will issue or deny a budget permit for such opt-in unit in accordance with Section 217.658 of this Subpart and the following:

- a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO[x] emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.
- b) If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NO[x] emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related

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## requirements.

- c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period and the unit's baseline NO[x] emission rate shall be calculated as the unit's total NO[x] emissions (in lbs) for the control period divided by the unit's baseline heat rate.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.678 Opt-In Budget Units: Withdrawal from NO[x] Trading Program**

- a) Requesting withdrawal. To withdraw from the NO[x] Trading Program, the account representative of a opt-in budget unit shall submit to the Agency a request to withdraw from the NO[x] Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and before May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.
- b) Conditions for withdrawal. Before an opt-in budget unit may withdraw from the NO[x] Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:

- 1) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.
- 2) If the opt-in budget unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the opt-in budget unit's compliance account, or the overdraft account of the NO[x] budget source where the opt-in budget unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.
- 3) After the requirements for withdrawal under subsections (b)(1) and (2) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Subpart for the control period for which the withdrawal is to be effective and earlier control periods. USEPA will close the opt-in budget unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the opt-in budget unit shall become the account representative for the general account.
- c) A opt-in budget unit that withdraws from the Subpart U NO[x] Trading Program shall comply with all requirements under the NO[x] Trading

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program concerning all years for which such opt-in budget unit was a opt-in budget unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

## d) Notification:

1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the opt-in budget unit that the opt-in unit's request to withdraw its budget permit is denied. If the opt-in budget unit's request to withdraw is denied, the opt-in budget unit shall remain subject to the requirements for a opt-in budget unit.

e) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the opt-in budget unit's request to withdraw, the account representative of the opt-in budget unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.

f) Ability to return to the NO[x] Trading Program. Once an opt-in unit withdraws from the NO[x] Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.674(d) of this Subpart for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.680 Opt-in Units: Change in Regulatory Status

a) Notification. When an opt-in unit becomes an opt-in budget unit under Section 217.654(d) of this Subpart, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days of such change.

b) Any permit application that provides for a change in the regulatory status of a unit to a opt-in budget unit pursuant to Section 217.674(d)(1)(B) of this Subpart and included in a budget permit, is effective on the date on which such opt-in unit becomes a opt-in budget unit under Section 217.654 of this Subpart.

c) USEPA's action.

1) USEPA will deduct from the compliance account for the opt-in budget unit under this Section, or the overdraft account of the

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budget source where the opt-in budget unit is located, allowances equal in number to and allocated for the same or a prior control period as:

A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.682 of this Subpart for any control period after the last control period during which the unit's budget permit was effective; and

B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the opt-in budget unit (as an opt-in unit) under Section 217.682 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

2) The account representative shall ensure that the compliance account of the opt-in budget unit under subsection (b) of this Section, or the overdraft account of the budget source where the opt-in budget unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

3) For every control period during which any budget permit under subsection (b) of this Section is effective, the opt-in budget unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.666 or 217.668 of this Subpart, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.666 or 217.668 of this Subpart.

4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the opt-in budget unit under subsection (b) of this Section under Section 217.666 or 217.668 of this Subpart for the control period: the number of allowances otherwise allocated to the opt-in budget unit under Section 217.666 or 217.668 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

d) When the owner or operator of an opt-in unit does not renew the budget permit for the opt-in budget unit issued pursuant to Section 217.674(d), USEPA will deduct from the opt-in budget unit's compliance



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account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to and allocated for the same or a prior control period as any allowances allocated to the opt-in budget unit under Section 217.682 of this Subpart for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the opt-in budget unit's compliance account or the overdraft account of the budget source where the opt-in budget unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

- e) After the deduction under subsection (d) of this Section is completed, USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general account.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.682 Allowance Allocations to Opt-in Budget Units

- a) Allowance allocations:

1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the opt-in budget unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.

2) By no later than the December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the opt-in budget unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.

- b) For the first control period, and for each subsequent control period for which the opt-in budget unit has a budget permit, the opt-in budget unit will be allocated allowances in accordance with the following procedures:

1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:

A) The opt-in unit's baseline heat input determined pursuant to Section 217.676(c) of this Subpart; or

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- B) The opt-in unit's heat input, for the control period in the year prior to the year of the first control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.

2) The Agency will allocate allowances to the opt-in budget unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:

- A) The unit's baseline NO<sub>x</sub> emission rate (in lbs/mmbtu) determined pursuant to Section 217.676(c) of this Subpart; or
- B) The lowest NO<sub>x</sub> emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in for year of the control period for which the allocations are being calculated, regardless of the averaging period to which the emissions limitation applies.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART X: VOLUNTARY NO<sub>x</sub> EMISSIONS REDUCTION PROGRAM

## Section 217.800 Purpose

The purpose of this Subpart is to implement Section 9.9(d)(3) of the Act by providing a method by which additional NO<sub>x</sub> allowances may be generated for use by emission units subject to the requirements of Subparts U or W of this Part. [415 ILCS 5/9.9(d)(3)] Verifiable, quantifiable, and federally enforceable emission reductions meeting the requirements of this Subpart and for which allowances are allocated will be transferred by the Agency from the non-trading portion of the statewide NO<sub>x</sub> budget, as established in the so-called NO<sub>x</sub> SIP Call, 63 Fed. Reg. 57356 (October 27, 1998), to either the EGU or non-EGU portion of the NO<sub>x</sub> trading budget, as applicable.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.805 Emission Unit Eligibility

Any owner or operator of a stationary source may submit a proposal, as provided in Section 217.835 of this Subpart, for voluntarily reducing NO<sub>x</sub> emissions during the control period, if each emission unit from which NO<sub>x</sub> reductions at the source will be obtained meets the following criteria:

- a) Discharges through a stack;
- b) Is fossil fuel-fired;
- c) Was permitted to operate prior to January 1, 1995;
- d) Is not subject to the requirements of either Subpart T, U, V or W of

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this Part;

- e) Is not a retired unit pursuant to 40 CFR 96.51;
- f) Has not elected to become an opt-in unit pursuant to Section 217.754 or Section 217.774 of this Part; and
- g) Has not created NO<sub>x</sub> offsets recognized under 35 Ill. Adm. Code 203.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.810 Participation Requirements**

- a) Any owner or operator of a source ("emission reduction source") with one or more emission units meeting the requirements of Section 217.805 of this Subpart and seeking to make, quantifiable, verifiable and federally enforceable voluntary reductions of NO<sub>x</sub> emissions during the control period from one or more emission units ("emission reduction units") must comply with the following requirements:

- 1) Submit a NO<sub>x</sub> emission reduction proposal that meets the requirements of Section 217.835 of this Subpart;
- 2) Request an emission cap on NO<sub>x</sub> emissions from all NO<sub>x</sub> emission units at the emission reduction source that are not otherwise subject to Subparts U or W of this Part, and that are the same type of emission unit as the emission reduction unit (e.g., if the emission reduction unit is a boiler, combined cycle system or turbine, then the emission cap must include all boilers, combined cycle systems or turbines that are not otherwise subject to Subparts U or W of this Part, or if the emission unit is a cement kiln, then the emission cap must include all cement kilns), provided, however, the owner or operator of the source may submit a demonstration in accordance with Section 217.835 of this Subpart that any like-kind emission unit or units should not be included in the NO<sub>x</sub> emission cap;
- 3) Demonstrate how the NO<sub>x</sub> emission cap required by subsection (a)(2) of this Section is to be determined, in accordance with Sections 217.820 and 217.845 of this Subpart, which cap reflects the NO<sub>x</sub> emission reduction specified in the proposal;
- 4) Permit requirements:

- a) Obtain a permit, or an amendment to an existing permit, for the source, with federally enforceable conditions addressing the commitments in the NO<sub>x</sub> emission reduction proposal and the emissions cap by the later of May 1, 2003, or the date on which the reduction in NO<sub>x</sub> emissions will commence and operate the source in compliance with such permit; or
- b) For each emission unit that will be generating voluntary NO<sub>x</sub> emissions by ceasing operation, withdrawing the applicable permit, or requesting a revision to the permit to reflect the shut down of the emission reduction unit, by the later of May 1, 2003, or the date specified in the NO<sub>x</sub>

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reduction proposal.

- 5) Submit an emissions baseline determination for each unit subject to the NO<sub>x</sub> emission cap in accordance with the requirements of Section 217.820 of this Subpart.
- 6) Monitoring requirements:

- A) To the extent applicable, each emission reduction unit at the source shall comply with the monitoring requirements of Section 217.850 of this Subpart.
  - B) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction unit with the emissions limitation set forth in the NO<sub>x</sub> emission reduction proposal and the federally enforceable permit conditions required pursuant to subsection (a)(3) of this Section.
  - C) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction source with the emissions cap set forth in the NO<sub>x</sub> emission reduction proposal and the federally enforceable permit condition required pursuant to Section 217.850(a)(3) of this Subpart.
  - b) The owner or operator of the emission reduction source is required to submit an annual certification to the Agency that the source has complied with the cap on NO<sub>x</sub> emissions for the source and the NO<sub>x</sub> emission reductions specified in the approved proposal were made pursuant to the requirements of Section 217.850 of this Subpart.
- (Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.815 Methods To Obtain NO<sub>x</sub> Emission Reductions**

Quantifiable, verifiable, and enforceable NO<sub>x</sub> emission reductions for which allowances are issued will be shifted from the non-trading portion of the statewide NO<sub>x</sub> budget to the NO<sub>x</sub> trading budget only for those NO<sub>x</sub> emissions reductions that meet one or more of the following criteria:

- a) Due to the use of any NO<sub>x</sub> emission reduction technology (e.g., combustion or post combustion control technology or fuel switching) at the emission reduction unit pursuant to federally enforceable conditions in the permit for the unit addressing such control technology or fuel switching, NO<sub>x</sub> emissions from the emission reduction unit for control period beginning in 2003 are or will be lower than such unit's actual emissions in the 1995 control period. The amount of actual NO<sub>x</sub> emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO<sub>x</sub> emission reductions shall be determined in accordance with Section 217.825 of this Subpart;



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- b) The emission reduction unit is permanently shut down after January 1, 1995, and the owner or operator requests a revision to the relevant operating permit to reflect the shut down of the emission reduction unit. The amount of actual NO[x] emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO[x] emission reductions shall be determined in accordance with Section 217.825 of this Subpart.
- c) During any control period beginning in 2003, the emission reduction unit's control period NO[x] emission rate or hours of operation is reduced pursuant to federally enforceable conditions in a permit for such unit, resulting in an actual reduction in NO[x] emissions from such unit's actual 1995 control period NO[x] emissions. The amount of actual NO[x] emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO[x] emission reductions shall be determined in accordance with Section 217.825 of this Subpart.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.820 Baseline Emissions Determination**

An emission unit's actual emissions during the 1995 control period shall be determined as follows:

- a) By multiplying the unit's actual emissions during the 1995 calendar year, as reported in the annual emission report submitted in accordance with 35 Ill. Adm. Code 254, by 5/12ths; or
- b) If the NO[x] emissions from the unit were not included in the emission reduction source's 1995 annual emissions report submitted to the Agency pursuant to 35 Ill. Adm. Code 254, by determining the base case amount included for such unit in the NO[x] SIP Call inventory, as specified in the "Technical Support Document for Illinois' Statewide NO[x] Budget," (63 Fed. Reg. 17349 (Nov. 7, 1997)); or
- c) If the NO[x] baseline emissions for the 1995 control period cannot be determined by the either of the methods listed in subsection (a) or (b) of this Section, such actual NO[x] baseline emissions shall be determined based on the average emission rate multiplied by the average number of hours of operation from two of the three control periods, as selected by the emission reduction source, prior to the year the emission reduction proposal is effective. The unit's emission rate and hours of operation will be determined based on the unit's reported NO[x] emission rate and hours of operation in the most recent annual emission reports for such unit submitted in accordance with 35 Ill. Adm. Code 254.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 217.825 Calculation of Creditable NO[x] Emission Reductions**

- a) For shut down units, the gross amount of control period actual NO[x] emission reductions shall be determined pursuant to Section 217.820(a) or (b) of this Subpart. Eighty percent (80%) of the actual NO[x] emission reductions achieved by shut down units, as determined in accordance with Sections 217.820(a) or (b) shall be creditable. Twenty percent (20%) of the NO[x] emissions reductions shall be retired for the benefit of air quality.
- b) For actual NO[x] emission reductions achieved pursuant to Sections 217.815(a) or (c), the gross amount of control period actual NO[x] emission reductions shall be determined pursuant to Section 217.820(b) of this Subpart. Eighty percent (80%) of the actual NO[x] emission reductions achieved pursuant to Sections 217.815(a) or (c) of this Subpart shall be creditable. Twenty percent (20%) of the actual NO[x] emissions reductions shall be retired for the benefit of air quality.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.830 Limitations of NO[x] Emissions Reductions**

- a) Each NO[x] allowance issued pursuant to NO[x] emission reductions meeting the requirements of this Subpart is a limited authorization to emit one ton of NO[x] in accordance with the federal NO[x] Trading Program as set forth in Subparts U or W of this Part, as applicable. No provision of the federal NO[x] Trading Program, the emission reduction proposal, the permit application, the permit, or of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
- b) Any NO[x] allowance issued in accordance with this Subpart does not constitute a property right.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.835 NO[x] Emission Reduction Proposal**

- a) A NO[x] emission reduction proposal shall include the following:
- 1) Information identifying each emission unit at the source that emits NO[x], whether the unit is subject to Subpart T, U, V, W or X of this Part, and the baseline emissions for each emission unit subject to the NO[x] emission cap as determined in accordance with Section 217.820 of this Subpart;
  - 2) Information identifying each emission reduction unit from which the NO[x] emission reductions have been or will be achieved;
  - 3) An explanation of the method used to achieve the NO[x] emission reductions;

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- 4) The amount of the NO<sub>x</sub> emission reductions, including supporting calculations and documentation, such as fuel usage information;
- 5) The emission units subject to the NO<sub>x</sub> emission cap in accordance with Section 217.810(a) of this Subpart, and if all like-kind or same-type emission units are not proposed to be included within the NO<sub>x</sub> emission cap, an explanation of how the owner or operator of the emission reduction source will ensure that production shifting will not occur, such that the emission reduction source will achieve real, verifiable, and quantifiable NO<sub>x</sub> emission reductions;
- 6) The control period NO<sub>x</sub> emission cap to be achieved by the emission reduction source, including both the baseline emissions for each recipient unit subject to the NO<sub>x</sub> emission cap and the NO<sub>x</sub> emission reductions from the emission reduction unit(s) included in the proposal;
- 7) The name and address of the owner or operator of each emission unit to which the NO<sub>x</sub> allowances will be allocated, the Subpart of this Part (i.e., Subpart U or W) to which each unit is subject, including the name, telephone number, and account number of the account representative for each such unit; and
- 8) Certification by the owner or operator of each unit that is the subject of each proposed emission reduction proposal of his/her acceptance of the terms of the proposal and certification that the emission reductions specified in the proposal have been or will be achieved.
- b) The owner or operator of a source submitting an emission reduction proposal must notify the Agency in writing within 30 days of any event or circumstance that makes NO<sub>x</sub> emission reduction proposal incorrect or incomplete.
- c) The owner or operator of a source submitting an emission reduction proposal may request to withdraw its emission reduction proposal, and cease to create NO<sub>x</sub> allowances under this Subpart, as follows:
- 1) Requesting withdrawal. To withdraw from participation under this Subpart, the owner or operator of an emission reduction unit shall submit to the Agency a written request to withdraw from participation and to withdraw or revise the applicable permit effective as of a specified date between (and not including) September 30 and before May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.
- 2) Conditions for withdrawal. Before an emission reduction source may withdraw from participation, and the federally enforceable permit may be withdrawn under this Section, for the control period immediately before the withdrawal is to be effective, the owner or operator must submit to the Agency an annual compliance certification report in accordance with Section 217.855 of this Subpart.
- 3) An emission reduction source that withdraws from the this Subpart

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- shall comply with all requirements under its approved emission reduction proposal and federally enforceable permit conditions addressing such proposal concerning all years for which the emission reduction source was in the program, even if such requirements arise or must be complied with after the withdrawal takes effect.
- 4) Notification:
- A) After the requirements for withdrawal under subsections (a) and (b) of this Section are met, the Agency will revise the permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.
- B) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator of the emission reduction source that the request to withdraw its permit is denied. If the request to withdraw is denied, the source shall remain subject to the requirements of its approved emission reduction proposal and federally enforceable permit conditions addressing the proposal and the requirements of this Subpart.
- 5) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the request of the owner or operator of the emission reduction source's request to withdraw, the owner or operator of the source may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.
- 6) Upon successful withdrawal from the program, the emission reduction source shall no longer be subject to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.840 Agency Action**

- a) The Agency shall notify the owner or operator submitting a NO<sub>x</sub> emission reduction proposal in writing of its decision with respect to the proposal within 90 days after receipt of such proposal and, if applicable, of NO<sub>x</sub> emissions data to verify that the specified reductions have occurred. The owner or operator of the emission reduction source may extend the deadline for Agency action in writing. If the Agency disapproves or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for the disapproval or conditional approval of the proposal. The following shall be considered a final Agency action for the purposes of appeal: if the Agency fails to take action within such 90 day period, subject to any extension, or a decision by the Agency to



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disapprove a proposal. If the Agency conditionally approves a proposal, the owner or operator of the emission reduction source has 30 days to submit a modified proposal addressing the specific items listed by the Agency. If the owner and operator of the emission reduction source does not submit a modified emission reduction proposal within such 30 day period, the conditional approval shall be deemed to be a disapproval, and shall be deemed to be a final action for purposes of appeal.

b) The NO[x] emissions reduction proposal will not be effective until:

- 1) After the owner or operator of the emission reduction source has obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or
- 2) If NO[x] emission reductions are being obtained by the shut down of an emission reduction unit, the owner or operator of the emission reduction unit has either obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart, or has withdrawn the applicable permit and the Agency has published notice and offered an opportunity to comment on such withdrawal, pursuant to 35 Ill. Adm. Code 252, on its proposed approval of the emission reduction proposal for the shut down of the emission reduction unit and the creditable NO[x] emission reductions that will be created by the shut down.

c) If the Agency approves the proposal, and subject to the provisions of subsection (b) of this Section, the Agency shall allocate any allowances issued by USEPA in accordance with either Subpart U or Subpart W of this Part and the following:

- 1) Any allowance allocated pursuant to this Subpart shall be issued to the recipient emission unit identified in the proposal, for each control period in which the NO[x] emissions reductions are verified, and the requirements of this Subpart continue to be met;
- 2) The owner or operator of the emission reduction source has, by November 1st following the control period that the emission reduction unit has reduced NO[x] emissions, verified the NO[x] emission reductions in accordance with Section 217.845 of this Subpart, and obtained a permit containing federally enforceable conditions addressing the requirements of this Subpart;
- 3) The allowances shall be issued by May 1 after the control period in which the reduction has occurred, for use in any future control period.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.845 Emissions Determination Methods

The owner or operator of an emission reduction source must demonstrate that it has obtained the NO[x] emission reductions, and has not exceeded its NO[x]

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emission cap, as specified in its approved NO[x] emission reduction proposal, as follows:

- a) If the NO[x] emission reductions are generated pursuant to Section 217.815(a) of this Subpart, the NO[x] emission rate for each emission reduction unit shall be determined as follows:

- 1) Through the use of continuous emissions monitoring in accordance with Section 217.850 of this Subpart; or
- 2) Through the use of any test methods and procedures provided in 40 CFR 60 and approved by the Agency, or any other method approved by the Agency when included as federally enforceable conditions in a permit issued or revised pursuant to this Subpart.

- b) If the NO[x] emission reductions are generated pursuant to Section 217.815(c) of this Subpart, submit an initial compliance demonstration plan to the Agency 120 days prior to the control period date that the emission reduction unit will commence NO[x] emission reductions in compliance with an approved emissions reduction proposal. Such demonstration shall be based on the actual NO[x] emission rate measured in accordance with Section 217.850 of this Subpart.

- c) If the emission reduction unit's compliance with the NO[x] emission reduction proposal is determined in accordance with subsection (a)(2) of this Section, conducting an initial test 90 days prior to the date the specified emission reductions will be obtained, or within 45 days of the Agency's request for NO[x] emission reductions already obtained, and notifying the Agency in writing of any test performed to comply with the requirements of this Subpart at least 30 days prior to the test. The Agency may at any time require annual control period testing of any emission unit at the NO[x] emission reduction source, and may require such testing as part of its approval of a NO[x] emission reduction proposal.

- d) The owner or operator of an emission reduction source must submit a compliance certification, including supporting data, by November 1st following each control period in which NO[x] emission reductions are generated that the NO[x] emission cap, as specified in its approved NO[x] emission reduction proposal, has not been exceeded, and must monitor and report the NO[x] emissions during each control period from all NO[x] emission units at the source subject to the NO[x] emission cap in accordance with Sections 217.850 and 217.855 of this Subpart.

- e) The owner or operator of an emission reduction source shall, 120 days prior to the date that the emission reduction source will commence NO[x] emission reductions in compliance with an approved emissions reduction proposal, submit a performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.850 Emissions Monitoring

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a) Except for shut down NO[x] emission reduction units, the owner/operator of an emission reduction source shall install, calibrate, maintain, and operate during the control period on each NO[x] emission unit at the source subject to the NO[x] emission cap a continuous emission monitoring system (CEMS), or an alternative approved by the Agency and included in a federally enforceable permit condition, for measuring NO[x] emissions to the atmosphere and record the output of that system.

b) The CEMS shall be operated and data recorded during all periods of operation of the emission unit at the source during the control period, except for CEMS breakdowns and repairs as provided in subsection (e) of this Section.

c) CEMS quality assurance data must be recorded during calibration checks and zero and span adjustments.

d) The 1-hour average NO[x] emissions measured by the CEMS shall be:

- 1) Expressed in lbs/hr or in lbs/mmbtu and heat input;
- 2) Calculated using the data points required under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart; and
- 3) Calculated using at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities.

e) The procedures under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart, shall be followed for installation, evaluation, and operation of each CEMS.

f) For monitoring systems measuring NO[x] in lbs/hr, if NO[x] emission data are not obtained because of CEMS breakdown, repairs, calibration checks, and zero and span adjustments, NO[x] emission data shall be obtained by using the data substitution procedures contained in 40 CFR 75, subpart D, incorporated by reference in Section 217.104 of this Part.

g) For monitoring systems measuring NO[x] in lbs/mmbtu, if NO[x] emission data are not obtained because of CEMS breakdown, repairs, calibration checks, and zero and span adjustments, NO[x] emission data shall be obtained by using the rolling hourly average of emission data recorded for the previous 30 day period of operation if the data capture for such period is 95% or greater and the period of missing data is equal to or less than 24 consecutive hours. If the data capture for such previous 30 day period is less than 95% or the period of missing data is greater than 24 consecutive hours, the data shall be obtained by using the highest hourly average recorded during the previous 30 days of operation.

h) The CEMS shall be subject to the quality assurance procedures and requirements of 40 CFR 60, Appendix F, incorporated by reference in Section 217.104 of this Part.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 217.855 Reporting

a) By November 1st of each year beginning in 2003, or the year of the first control period for which NO[x] emission reductions were generated in accordance with this Subpart, an owner or operator of an emission reduction source must, as a seasonal component of the annual emission report for the source pursuant to 35 Ill. Adm. Code 254, report the total control period NO[x] emissions of each NO[x] emission unit at the source subject to the NO[x] emission cap to the Agency.

b) Within 30 days of receipt of such data or evaluation, the owner or operator of each emission reduction source shall submit to the Agency the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.860 Recordkeeping

a) The owner or operator of an emission reduction source shall keep and maintain the following records for each NO[x] emission unit at the source subject to the NO[x] emission cap:

- 1) Daily, monthly, and control period operating hours;
- 2) Type and quantity of each fuel used daily during the control period;
- 3) Control period capacity factor of individual fuels fired and all fuels fired;
- 4) Monitoring records:

A) The performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.

B) Maintain records of the following information for each operating day for each NO[x] emission unit subject to the NO[x] emission cap:

- i) Calendar date;
- ii) The average hourly NO[x] mass emission rate expressed as lb/hr;
- iii) The control period total NO[x] mass emissions to date;
- iv) Identification of times when emission data have been excluded from the calculation of NO[x] mass emissions, the reasons for excluding the data, and any corrective actions taken;



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- v) Identification of the times when the pollutant concentration exceeded full span of the CEMS;
- vi) Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with the Performance Specifications in 40 CFR 60, Appendix B; and
- vii) Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F.

c) The owner or operator of any NO[x] emission reduction source subject to the continuous monitoring requirements for NO[x] under this Subpart, shall submit a compliance certification containing the information recorded under subsection (a)(4)(B) of this Section. All compliance certification reports shall be postmarked by November 1st or the next business day if November 1st falls on a Saturday or Sunday, of each control period in which NO[x] emission reductions are generated.

b) Maintenance of records. Unless otherwise provided, the owner or operator of a NO[x] emission reduction source shall keep on site at the source, each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the Agency.

- 1) The emission reduction proposal and all documents that demonstrate the truth of the statements in the proposal for each year the emission reduction source generates NO[x] reductions under this Subpart and for five (5) years thereafter.
- 2) All emissions monitoring information required pursuant to this Subpart; provided that to the extent that 40 CFR 60 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
- 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart.
- 4) Copies of all documents used to complete any permit application and supporting documents and any other submission to demonstrate compliance with the requirements of this Subpart.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.865 Enforcement**

a) Excess Emissions Requirements: The owner or operator of an emission reduction source for which NO[x] reductions have been recognized pursuant to this Section and that has excess NO[x] emissions in any control period for which NO[x] allowances have been issued must:

- 1) For the first control period during which the emission reduction source has excess NO[x] emissions, purchase NO[x] allowances in

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an amount equal to two (2) times the excess NO[x] emissions in accordance with the federal NO[x] Trading program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;

2) For the second control period during which the emission reduction source has excess NO[x] emissions, purchase allowances in an amount equal to three (3) times the excess NO[x] emissions in accordance with the federal NO[x] Trading program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;

3) If the emission reduction source has excess NO[x] emissions for three control periods, purchase allowances in an amount equal to four (4) times the excess NO[x] emissions pursuant to the federal NO[x] Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions, and the NO[x] emission reduction proposal shall be revoked. The emission reduction source will thereafter not be able to generate NO[x] emission reductions for which NO[x] allowances may be issued under this Subpart.

b) All allowances surrendered to the Agency pursuant to subsections (a)(1) through (a)(3) of this Section shall be retired to benefit air quality.

c) Nothing in this Subpart limits the authority of the state or the federal government to seek penalties and injunctive relief for any violation of this Subpart or any permit condition. Nothing in this Subpart limits the right of the state or the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Act or regulations promulgated there under or the CAA or applicable federal environmental laws and regulations.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 217.APPENDIX E Non-Electrical Generating Units

COMPANY ID # / UNIT DESIGNATION NAME	UNIT DESCRIPTION	BUDGET ALLOCATION	BUDGET ALLOCATION LESS 3% NSSA
1	2	3	4
			5

A E STALEY MANUFACTURING CO			
115015ABX	85070061299	COAL-FIRED BOILER 1	176
115015ABX	85070061299	COAL-FIRED BOILER 2	175
115015ABX	73020084129	BOILER #25	125
			121
A E STALEY MANUFACTURING CO (Total Allocation)			476
			452

ARCHER DANIELS MIDLAND CO EAST PLANT			
115015AAE	85060030081	COAL-FIRED BOILER 1	238
115015AAE	85060030081	COAL-FIRED BOILER 2	261
115015AAE	85060030081	COAL-FIRED BOILER 3	267
115015AAE	85060030082	COAL-FIRED BOILER 4	276
115015AAE	85060030082	COAL-FIRED BOILER 5	275
115015AAE	85060030082	COAL-FIRED BOILER 6	311
115015AAE	85060030083	GAS-FIRED BOILER 7	19
115015AAE	85060030083	GAS-FIRED BOILER 8	19
ARCHER DANIELS MIDLAND CO EAST PLANT (Total Allocation)			1 666
			1 616

CORN PRODUCTS INTERNATIONAL INC			
031012AB1	91020059180	GAS-FIRED BOILER 6	55
031012AB1	73020146041	BOILER # 1 COAL-FIRED	210
031012AB1	73020146042	BOILER # 2 COAL-FIRED	210
031012AB1	73020146043	GAS FIRED BOILER NO 14 WEST STACK BLRS	81
031012AB1	73020147045	BOILER # 3 COAL-FIRED	211
031012AB1	73020147046	GAS FIRED BOILER NO 5-EAST STACK BOILER	81
CORN PRODUCTS INTERNATIONAL INC (Total Allocation)			848
			823

GREAT LAKES NTC			
097811AAC	79080071011	BOILER # 5	26
097811AAC	79080071011	BOILER # 6	26
GREAT LAKES NTC (Total Allocation)			52
			50

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JEFFERSON SMURFIT CORPORATION			
119010AAL	72120426001	BLR 7-COAL FIRED	39
JEFFERSON SMURFIT CORPORATION (Total Allocation)			39
			38

MARATHON OIL CO ILLINOIS REFINING DIV			
033808AAB	72111291055	BOILER #3 OIL REF GAS FIRED	53
033808AAB	72111291056	BOILER #4 REF GAS OIL FIRED	53
MARATHON OIL CO ILLINOIS REFINING DIV (Total Allocation)			106
			103

EXXON MOBIL			
197800AAA	72110567002	AUX BOILER-REFINERY GAS	101
197800AAA	86010009043	STATIONARY GAS TURBINE	85
EXXON MOBIL (Total Allocation)			186
			180

WILLIAMS			
179060ACR	73020087019	BOILER C - PULVERIZED DRY BOTTOM	377
WILLIAMS (Total Allocation)			377
			366

EQUISTAR			
063800AAC	72100016013	BOILER # 1	40
063800AAC	72100016013	BOILER # 2	40
063800AAC	72100016014	#3 GAS FIRED BOILER	40
063800AAC	72100016016	#5 GAS FIRED BOILER	40
063800AAC	72100016017	#6 BOILER	40
EQUISTAR (Total Allocation)			200
			194

EQUISTAR			
041804AAB	72121207108	BOILER NO 1	121
041804AAB	72121207109	BOILER NO 2	121
041804AAB	72121207110	BOILER NO 3	121
041804AAB	72121207111	BOILER NO 4	120
041804AAB	72121207112	BOILER NO 5	0
EQUISTAR (Total Allocation)			483
			469

TOSCO			
119090AAA	72110633080	BOILER NO 15	40
119090AAA	72110633081	BOILER NO 16	40
119090AAA	72110633082	BOILER NO 17	80
TOSCO (Total Allocation)			160
			155
U S STEEL - SOUTH WORKS			



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(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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031600ALZ	82010044013	NO 6 BOILER #5 POWER STATION (FUEL- NAT GAS)	90	88
031600ALZ	82010044014	NO 1 BLR NG	90	87
U S STEEL - SOUTH WORKS (Total Allocation)			180	175
UNIV OF ILL - ABBOTT POWER PLANT				
019010ADA	82090027006	BOILER #7	96	83
UNIV OF ILL - ABBOTT POWER PLANT (Total Allocation)			86	83
CITGO PETROLEUM CORPORATION				
197090AA1	72110253037	BOILER 43-B-1	23	22
CITGO PETROLEUM CORPORATION (Total Allocation)			23	22
GRAND TOTAL			4,882	4,736

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source category.

The USEPA corrected its January 19, 2000 (65 Fed. Reg. 3008) effluent guidelines, pretreatment standards, and new source performance standards for the landfill point source category.

The USEPA removed its April 15, 1998 (63 Fed. Reg. 18504) effluent guidelines, pretreatment standards, and new source performance standards for the builder's paper and board mills point source category in 40 C.F.R. 431.

The USEPA corrected its January 27, 2000 (65 Fed. Reg. 4360) effluent guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste combustor subcategory of the waste combustors point source category.

Board Housekeeping Amendments

Section 310 Authority Note	Source Board	Revision(s) Added Section "7.2"
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Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. Section 310.107 is the centralized listing of all documents incorporated by reference for the purposes of part 310. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. Finally, the present amendments include new documents incorporated by reference.

9) Are there any other amendments pending on this part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or

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1) Heading of the Part: Pretreatment Programs

2) Code citation: 35 Ill. Adm. Code 310

3) Section Number: 310.107  
Proposed Action: Amended

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of October 19, 2000, proposing amendments in docket R01-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois wastewater pretreatment regulations based on the mandates of the federal Water Pollution Control Act (FWPCA), 33 U.S.C. Sections 1317(b), (c), (d), 1342(b)(9) (1996). The proposed rules are "identical-in-substance" to rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R01-5 Federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) that occurred during the period January 1, 2000, through June 30, 2000.

Docket R01-5 amends rules in Parts 307 and 310 only.

The following table briefly summarizes the federal actions in the update period:

January 19, 2000 (65 Fed. Reg. 3008)	The USEPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source category. One segment of the rulemaking was the amendment of Methods 625 and 1625 in 40 C.F.R. 136.3, Appendix A.
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January 27, 2000 (65 Fed. Reg. 4360)	The USEPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste combustor subcategory of the waste combustors point
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## POLLUTION CONTROL BOARD

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operate wastewater pretreatment systems. These mandates are, however, identical-in-substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Steven C. Langhoff, at (217)782-2615.

Request copies of the Board's opinion and order in Docket R01-5 from Patricia Jones, at (312)814-3620. Additionally, copies of the Board's opinion and order may be downloaded from the Board's Web site at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate wastewater pretreatment systems.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the proposed amendments begins on the next page:

## POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 310

## PRETREATMENT PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section	
310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source

## SUBPART B: PRETREATMENT STANDARDS

Section	
310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Specific Limits Developed by POTW
310.211	Local Limits
310.220	Categorical Standards
310.221	Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution
310.233	Combined Wastestream Formula

## SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions
310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuation of Authorization

## POLLUTION CONTROL BOARD

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## 310.351 Modification or Withdrawal of Removal Credits

## SUBPART D: PRETREATMENT PERMITS

## Section

310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

## SUBPART E: POTW PRETREATMENT PROGRAMS

## Section

310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

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## SUBPART F: REPORTING REQUIREMENTS

## Section

310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTW's
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

## Section

310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors which are Not Fundamentally Different
310.706	More Stringent State Law
301.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests

## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

## Section

310.801	Net/Gross Calculation by USEPA
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## SUBPART I: UPSETS

## Section

310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset



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## 310.906 User Responsibility in Case of Upset

## SUBPART J: BYPASS

Section	Definition	Bypass Not Violating Applicable Pretreatment Standards or Requirements	Notice	Prohibition of Bypass
310.910				
310.911				
310.912				
310.913				

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	General	Substantial Modifications Defined	Approval Procedures for Substantial Modifications	Approval Procedures for Non-Substantial Modifications	Incorporation of Modifications into the Permit
310.920					
310.921					
310.922					
310.923					
310.924					

**AUTHORITY:** Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
  - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

incorporated by reference:

- 40 CFR 2.302 (1999)
  - 40 CFR 25 (1999)
  - 40 CFR 122, Appendix D, Tables II and III (1999)
  - 40 CFR 128.140(b) (1977)
  - 40 CFR 136 (1999), as amended at 64 Fed. Reg. 42552, August 4, 1999, and 64 Fed. Reg. 73414, December 30, 1999, and 65 Fed. Reg. 3008, January 19, 2000
  - 40 CFR 403 (1999)
  - 40 CFR 403, Appendix D (1999)
- c) The following federal statutes are incorporated by reference:
- 1) Section 1001 of the Criminal Code (18 USC 1001) as of July 1, 1988
  - 2) Clean Water Act (33 USC 1251 et seq.) as of July 1, 1988
  - 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 USC 6901 et seq.) as of July 1, 1988
- d) This Part incorporates no future editions or amendments.
- (Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sewer Discharge Criteria2) Code citation: 35 Ill. Adm. Code 3073) Section Number: Proposed Action:

307.1503 Amended  
 307.5401 Added  
 307.5500 Added  
 307.5501 Added  
 307.5502 Added

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of October 19, 2000, proposing amendments in docket R01-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois wastewater pretreatment regulations based on the mandates of the federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1317(b), (c), (d), 1342(b)(9) (1996). The proposed rules are "identical-in-substance" to rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R01-5 Federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) that occurred during the period January 1, 2000, through June 30, 2000.

Docket R01-5 amends rules in Parts 307 and 310 only.

The following table briefly summarizes the federal actions in the update period:

January 19, 2000  
 (65 Fed. Reg. 3008)  
 The USEPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source category. One segment of the rulemaking was the amendment of Methods 625 and 1625 in 40 C.F.R. 136.3, Appendix A.

## POLLUTION CONTROL BOARD

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January 27, 2000  
 (65 Fed. Reg. 4360)  
 The USEPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste combustor subcategory of the waste combustors point source category.

March 16, 2000  
 (65 Fed. Reg. 14344)  
 The USEPA corrected its January 19, 2000 (65 Fed. Reg. 3008) effluent guidelines, pretreatment standards, and new source performance standards for the landfill point source category.

March 21, 2000  
 (65 Fed. Reg. 15091)  
 The USEPA removed its April 15, 1998 (63 Fed. Reg. 18504) effluent guidelines, pretreatment standards, and new source performance standards for the builder's paper and board mills point source category in 40 C.F.R. 431.

May 23, 2000  
 (65 Fed. Reg. 33423)  
 The USEPA corrected its January 27, 2000 (65 Fed. Reg. 4360) effluent guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste combustor subcategory of the waste combustors point source category.

Board Housekeeping Amendments

Section	Source	Revision(s)
307 Table of Contents	JCAR	Added "307.6505 Repackaging of Agricultural Pesticides performed at Refilling Establishments"
307 Authority Note	Board	Added Section "7.2"
307 Source Note	JCAR	Changed "to "," after "July 12, 1999"
307.1503	JCAR	Changed "Seasoned Products" to "Cultured Products"

Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in



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effect? No

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Sections 307.5401, 307.5500, 307.5501, and 307.5502 include a number of new incorporations by reference.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate wastewater pretreatment systems. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-5 and be addressed to:
- Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601
- Address all questions to Steven C. Langhoff, at (217)782-2615. Request copies of the Board's opinion and order in Docket R01-5 from Patricia Jones, at (312)814-3620. Additionally, copies of the Board's opinion and order may be downloaded from the Board's Web site at <http://www.ipcb.state.il.us>.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate wastewater pretreatment systems.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney.
- 13) Regulatory Agenda in which this rulemaking was summarized: July 2000

## POLLUTION CONTROL BOARD

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The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 307

## SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

## SUBPART G: GRAIN MILLS

Section	
307.1601	Corn Wet Milling
307.1602	Corn Dry Milling

## POLLUTION CONTROL BOARD

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307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-eat Cereal
307.1610	Wheat Starch and Gluten

## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section	
307.1700	General Provisions
307.1701	Apple Juice
307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
307.1706	Canned and Preserved Fruits
307.1707	Canned and Preserved Vegetables
307.1708	Canned and Miscellaneous Specialties

## SUBPART I: CANNED AND PRESERVED SEAFOOD

Section	
307.1801	Farmed-raised Catfish
307.1815	Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

Section	
307.1901	Beet Sugar Processing
307.1902	Crystalline Cane Sugar Refining
307.1903	Liquid Cane Sugar Refining

## SUBPART K: TEXTILE MILLS

Section	
307.2000	General Provisions
307.2001	Wool Scouring
307.2002	Wool Finishing
307.2003	Low Water Use Processing
307.2004	Woven Fabric Finishing
307.2005	Knit Fabric Finishing
307.2006	Carpet Finishing
307.2007	Stock and Yarn Finishing
307.2008	Nonwoven Manufacturing
307.2009	Felted Fabric Processing



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## SUBPART L: CEMENT MANUFACTURING

## Section

307.2101 Nonleaching  
 307.2102 Leaching  
 307.2103 Materials Storage Piles Runoff

## SUBPART M: FEEDLOTS

## Section

307.2201 General  
 307.2202 Ducks

## SUBPART N: ELECTROPLATING

## Section

307.2300 General Provisions  
 307.2301 Electroplating of Common Metals  
 307.2302 Electroplating of Precious Metals  
 307.2304 Anodizing  
 307.2305 Coatings  
 307.2306 Chemical Etching and Milling  
 307.2307 Electroless Plating  
 307.2308 Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

## Section

307.2400 General Provisions  
 307.2401 Rayon Fibers  
 307.2402 Other Fibers  
 307.2403 Thermoplastic Resins  
 307.2404 Thermosetting Resins  
 307.2405 Commodity Organic Chemicals  
 307.2406 Bulk Organic Chemicals  
 307.2407 Specialty Organic Chemicals  
 307.2410 Indirect Discharge Point Sources  
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams  
 307.2491 Complexed Metal-bearing Wastestreams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

## Section

307.2500 General Provisions  
 307.2501 Aluminum Chloride Production  
 307.2502 Aluminum Sulfate Production  
 307.2503 Calcium Carbide Production  
 307.2504 Calcium Chloride Production

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307.2505 Calcium Oxide Production  
 307.2506 Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)

307.2508 Hydrofluoric Acid Production  
 307.2509 Hydrogen Peroxide Production  
 307.2511 Potassium Metal Production  
 307.2512 Potassium Dichromate Production  
 307.2513 Potassium Sulfate Production  
 307.2514 Sodium Bicarbonate Production  
 307.2516 Sodium Chloride Production  
 307.2517 Sodium Dichromate and Sodium Sulfate Production  
 307.2520 Sodium Sulfite Production  
 307.2522 Titanium Dioxide Production  
 307.2523 Aluminum Fluoride Production  
 307.2524 Ammonium Chloride Production  
 307.2527 Borax Production  
 307.2528 Boric Acid Production  
 307.2529 Bromine Production  
 307.2530 Calcium Carbonate Production  
 307.2531 Calcium Hydroxide Production  
 307.2533 Carbon Monoxide and Byproduct Hydrogen Production  
 307.2534 Chrome Pigments Production  
 307.2535 Chromic Acid Production  
 307.2536 Copper Salts Production  
 307.2538 Ferric Chloride Production  
 307.2540 Fluorine Production  
 307.2541 Hydrogen Production  
 307.2542 Hydrogen Cyanide Production  
 307.2543 Iodine Production  
 307.2544 Lead Monoxide Production  
 307.2545 Lithium Carbonate Production  
 307.2547 Nickel Salts Production  
 307.2549 Oxygen and Nitrogen Production  
 307.2550 Potassium Chloride Production  
 307.2551 Potassium Iodide Production  
 307.2553 Silver Nitrate Production  
 307.2554 Sodium Bisulfite Production  
 307.2555 Sodium Fluoride Production  
 307.2560 Stannic Oxide Production  
 307.2563 Zinc Sulfate Production  
 307.2564 Cadmium Pigments and Salts Production  
 307.2565 Cobalt Salts Production  
 307.2566 Sodium Chlorate Production  
 307.2567 Zinc Chloride Production

## SUBPART R: SOAP AND DETERGENTS

## Section

## POLLUTION CONTROL BOARD

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307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacture of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

## SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

## SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

## SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking

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307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
SUBPART V: NONFERROUS METALS MANUFACTURING	
Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium
Section	

## SUBPART X: STEAM ELECTRIC POWER GENERATING

## POLLUTION CONTROL BOARD

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307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

## SUBPART Z: LEATHER TANNING AND FINISHING

## SUBPART BC: RUBBER MANUFACTURING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

## SUBPART BA: GLASS MANUFACTURING

## SUBPART BD: TIMBER PRODUCTS PROCESSING

Section	
307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

## SUBPART BB: ASBESTOS MANUFACTURING

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
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Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
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307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
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307.3808	Wet Digestion Reclaimed Rubber
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307.3905	Wet Process Hardboard
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307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s)  
or With Laundry Facilities

## SUBPART BE: PULP, PAPER AND PAPERBOARD

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307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)

Section	
307.4101	Builder's Paper and Roofing Felt (Repealed)

## SUBPART BG: MEAT PRODUCTS

Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
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307.4205	Small Processor
307.4206	Meat Cutter

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307.4207	Sausage and Luncheon Meats Processor
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307.4210	Renderer

## SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

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307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

## SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section	
307.5301	Asphalt Emulsion
307.5302	Asphalt Concrete
307.5303	Asphalt Roofing
307.5304	Linoleum and Printed Asphalt Felt

## SUBPART BS: WASTE COMBUSTORS

Section	
307.5401	Commercial Hazardous Waste Combustor

## SUBPART BT: LANDFILLS

Section	
307.5500	General Provisions
307.5501	RCRA Subtitle C Hazardous Waste Landfill
307.5502	RCRA Subtitle D Non-Hazardous Waste Landfill

## SUBPART BU: PAINT FORMULATING

Section	
307.5601	Oil-Base Solvent Wash Paint

## SUBPART BV: INK FORMULATING

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Section 307.5701	Oil-Base Solvent Wash Ink
SUBPART CD: PESTICIDE CHEMICALS	
Section 307.6500	General Provisions
307.6501	Organic Pesticide Chemicals Manufacturing
307.6502	Metallo-Organic Pesticides Chemicals Manufacturing
307.6503	Pesticide Chemicals Formulating and Packaging

## SUBPART CG: CARBON BLACK MANUFACTURING

Section 307.6801	Carbon Black Furnace Process
307.6802	Carbon Black Thermal Process
307.6803	Carbon Black Channel Process
307.6804	Carbon Black Lamp Process

## SUBPART CJ: BATTERY MANUFACTURING

Section 307.7100	General Provisions
307.7101	Cadmium
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307.7105	Lithium
307.7106	Magnesium
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## SUBPART CL: PLASTICS MOLDING AND FORMING

Section 307.7300	General Provisions
307.7301	Contact Cooling and Heating Water
307.7302	Cleaning Water
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## SUBPART CM: METAL MOLDING AND CASTING

Section 307.7400	General Provisions
307.7401	Aluminum Casting
307.7402	Copper Casting
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Section 307.7500	General Provisions
307.7501	Steel Basis Material
307.7502	Galvanized Basis Material
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307.7504	Cannmaking

## SUBPART CO: PORCELAIN ENAMELING

Section 307.7600	General Provisions
307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material
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307.7604	Copper Basis Material

## SUBPART CP: ALUMINUM FORMING

Section 307.7700	General Provisions
307.7701	Rolling With Neat Oils
307.7702	Rolling With Emulsions
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307.7705	Drawing With Neat Oils
307.7706	Drawing With Emulsions or Soaps

## SUBPART CQ: COPPER FORMING

Section 307.7800	General Provisions
307.7801	Copper Forming
307.7802	Beryllium Copper Forming

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section 307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section 307.8100	General Provisions
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307.8101 Lead-Tin-Bismuth Forming  
 307.8102 Magnesium Forming  
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 307.8104 Precious Metals Forming  
 307.8105 Refractory Metals Forming  
 307.8106 Titanium Forming  
 307.8107 Titanium Forming  
 307.8108 Zinc Forming  
 307.8109 Zirconium-Hafnium Forming  
 307.8110 Metal Powders

## APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3106, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1991; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: DAIRY PRODUCTS PROCESSING

## Section 307.1503 Cultured Seasoned Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream and dips of various types.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.31 (1994). This incorporation includes no later amendments or editions.

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## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.34 (1994), at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BS: WASTE COMBUSTORS

## Section 307.5401 Commercial Hazardous Waste Combustor

## a) Applicability.

- 1) The Board incorporates by reference 40 CFR 444.10 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

- 2) This Section applies to discharges of wastewater that are associated with Commercial Hazardous Waste Combustor wastewater as defined in the materials incorporated by reference in Section 307.5401(a)(1).

- b) Definitions. The Board incorporates by reference 40 CFR 444.11 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.

- c) Monitoring requirements. The Board incorporates by reference 40 CFR 444.12 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000 and 65 Fed. Reg. 33423, May 23, 2000. This incorporation includes no later amendments or editions.

## d) Existing sources:

- 1) The Board incorporates by reference 40 CFR 444.16 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5401(d)(1) shall cause, threaten or



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allow the discharge of any contaminant to a POTW in violation of such standards.

## e) New sources:

- 1) The Board incorporates by reference 40 CFR 444.18 (1999), as amended at 65 Fed. Reg. 4360, January 27, 2000. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5401(e)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BT: LANDFILLS

## Section 307.5500 General Provisions

## a) Applicability.

- 1) The Board incorporates by reference 40 CFR 445.1 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

- 2) This Section applies to discharges of wastewater from landfill units, as defined in the materials incorporated by reference in Section 307.5500(a)(1).

- b) General definitions. The Board incorporates by reference 40 CFR 445.2 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

- c) General Pretreatment Standards. The Board incorporates by reference 40 CFR 445.3 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 307.5501 RCRA Subtitle C Hazardous Waste Landfill

- a) Applicability. Except as provided in Section 307.5500, this Section applies to discharges of wastewater from landfills subject to the provisions of 40 CFR Part 264, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N-(Landfills); and 40 CFR Part 265, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N-(Landfills).

## b) Existing sources:

- 1) The Board incorporates by reference 40 CFR 445.11 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000 and 65 Fed. Reg. 14344, March 16, 2000. This incorporation includes no later

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amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5501(b)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## c) New sources:

- 1) The Board incorporates by reference 40 CFR 445.14 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5501(c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

- a) Applicability. Except as provided in Section 307.5500, this Section applies to discharges of wastewater from landfills subject to the provisions of 40 CFR Part 258, Criteria for Municipal Solid Waste Landfills; and 40 CFR Part 257, Criteria for Classification of Solid Waste Disposal Facilities and Practices.

## b) Existing sources:

- 1) The Board incorporates by reference 40 CFR 445.21 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000 and 65 Fed. Reg. 14344, March 16, 2000. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5502(b)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## c) New sources:

- 1) The Board incorporates by reference 40 CFR 445.24 (1999), as amended at 65 Fed. Reg. 3008, January 19, 2000. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in Section 307.5502(c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Orthotics, Prosthetics and Pedorthics Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1325

3) Section Numbers: Proposed Action:

1325.5 New Section  
 1325.10 New Section  
 1325.15 New Section  
 1325.20 New Section  
 1325.25 New Section  
 1325.30 New Section  
 1325.35 New Section  
 1325.40 New Section  
 1325.45 New Section  
 1325.50 New Section  
 1325.55 New Section  
 1325.60 New Section  
 1325.65 New Section

- 4) Statutory Authority: Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5]

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-590, effective January 1, 2000, provides for the licensure of orthotists, prosthetists, and pedorthists by the Department of Professional Regulation. When adopted, these rules will allow the Department to begin accepting and processing licensure applications.

Sections 1325.15, 1325.20 and 1325.25 set forth the requirements for applicants to obtain a license in each of the three specialties. Section 1325.30 details the clinical residency requirements for orthotics and prosthetics, while Section 1325.35 defines the various levels of supervision. The rules also set forth the procedures for renewal of a license and under what circumstances the Director of the Department may grant variances to these rules. Acts constituting dishonorable, unethical or unprofessional conduct have been set forth in Section 1325.60.

Fees for licensure and renewal, as well as general processing fees, are set forth in Section 1325.45.

- 6) Do these proposed Rules replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? Yes

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- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield IL 62786  
 217/785-0813  
 Fax #: 217/782-7645

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing orthotic, prosthetic or pedorthic services.

- B) Reporting, bookkeeping or other procedures required for compliance: Every license issued under the Act shall expire on September 30 of odd numbered years. The first license renewal period will be September 30, 2003. Licensees are responsible for notifying the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

- C) Types of professional skills necessary for compliance: Orthotic, prosthetic or pedorthic skills are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: DPR inadvertently neglected to place it on an agenda.

The full text of the Proposed Rules begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1325

## ILLINOIS ORTHOTICS, PROSTHETICS AND PEDORTHICS PRACTICE ACT

Section	
1325.5	Definitions
1325.10	Examination
1325.15	Application for Licensure as an Orthotist
1325.20	Application for Licensure as a Prosthetist
1325.25	Application for Licensure as a Pedorthist
1325.30	Clinical Residency in Orthotics and Prosthetics
1325.35	Supervision
1325.40	Classification of Devices
1325.45	Fees
1325.50	Renewals
1325.55	Endorsement
1325.60	Dishonorable, Unethical or Unprofessional Conduct
1325.65	Granting Variances

**AUTHORITY:** Implementing the Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1325.5 Definitions**

"Act" means the Illinois Orthotics, Prosthetics and Pedorthics Practice Act.

"Board" means the Board of Orthotics, Prosthetics, and Pedorthics.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Orthotist" means a person who measures, designs, fabricates, fits, or services orthoses and assists in the formulation of the order of orthoses as ordered by a licensed physician for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities.

"Pedorthist" means a person who measures, designs, fabricates, fits or

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services pedorthic devices and assists in the formulation of the order of pedorthic devices as ordered by a licensed physician or licensed podiatrist for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities.

"Prosthetist" means a person who measures, designs, fabricates, fits, or services prostheses and assists in the formulation of the order of prostheses as ordered by a licensed physician for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences.

**Section 1325.10 Examination**

- Orthotics. The examination for licensure as an orthotist shall be the orthotics certification examination of the American Board for Certification in Orthotics and Prosthetics, Inc. (ABC).
- Prosthetics. The examination for licensure as a prosthetist shall be the prosthetics certification examination of the American Board for Certification in Orthotics and Prosthetics, Inc. (ABC).
- Pedorthics. The examination for licensure as a pedorthist shall be the pedorthics certification examination of the Board for Certification in Pedorthics (BCP).
- Candidates shall make application for the examination, and pay the examination fee, directly to the designated testing service.
- Unsuccessful candidates may retake the examination as many times as they wish. Retake application shall be made to the designated testing service.
- Application to the designated testing service for purposes of taking the examination shall not constitute application to the Department.

**Section 1325.15 Application for Licensure as an Orthotist**

- Any person seeking licensure as an orthotist shall file an application with the Department on forms provided by the Department. The application shall include the following:

1) Either:

- Proof of a baccalaureate degree in an orthotics and prosthetics program approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or its predecessor or successor agency; or
  - Proof of a baccalaureate degree from a regionally accredited school, college or university, and a certificate from a CAAHEP accredited orthotics program;
- Proof of a clinical residency as set forth in Section 1325.30;
  - Verification of successful completion of the orthotics examination set forth in Section 1325.10 received directly from the designated testing service;
  - A complete work history, on forms provided by the Department,



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- since completion of a baccalaureate program; and
- 5) The required fee specified in Section 1325.45 of this Part.
- b) Any person seeking licensure as an orthotist pursuant to Section 55 (Transition Period) of the Act shall file an application with the Department postmarked no later than January 1, 2002, on forms provided by the Department. The application shall include the following:
- 1) Either:
    - A) Proof of current certification as a Certified Orthotist (CO) or Certified Prosthetist/Orthotist (CPO) from ABC; or
    - B) Proof of full-time practice for 7 years prior to January 1, 2000 in orthotics as defined in Section 10 of the Act. The 7 years of practice has to be between January 1, 1993 and January 1, 2000. The application shall include:
      - i) Three affidavits from physicians licensed under the Medical Practice Act and/or podiatrists licensed under the Illinois Podiatric Medical Practice Act who have referred clients to the applicant; and
      - ii) Verification of orthotic experience. Experience shall be full-time in an orthotic/prosthetic facility. Full-time is defined as 30 hours per week. (Part-time experience may be accepted if done in combination with prosthetic and pedorthic experience.);
  - 2) A complete work history on forms provided by the Department;
  - 3) The fee required in Section 1325.45 of this Part; and
  - 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) An individual who meets the requirements of the Act and this Part and obtains a license in Illinois is considered to have met the internationally accepted standards of orthotics and prosthetics as set forth by the International Society for Prosthetics and Orthotics.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

## Section 1325.20 Application for Licensure as a Prosthetist

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- a) Any person seeking licensure as a prosthetist shall file an application with the Department on forms provided by the Department. The application shall include the following:
- 1) Either:
    - A) Proof of a baccalaureate degree in an orthotic and prosthetic program approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or its predecessor or successor agency; or
    - B) Proof of a baccalaureate degree from a regionally accredited school, college or university and a certificate from a CAAHEP accredited prosthetic program;
  - 2) Proof of a clinical residency as set forth in Section 1325.30;
  - 3) Verification of successful completion of the prosthetics examination set forth in Section 1325.10 received directly from the designated testing service;
  - 4) A complete work history since completion of a baccalaureate program; and
  - 5) The required fee specified in Section 1325.45 of this Part.
- b) Any person seeking licensure as a prosthetist pursuant to Section 55 (Transition Period) of the Act shall file an application with the Department postmarked no later than January 1, 2002, on forms provided by the Department. The application shall include the following:
- 1) Either:
    - A) Proof of current certification as a Certified Prosthetist (CP) or Certified Prosthetist/Orthotist (CPO) from ABC; or
    - B) Proof of full-time practice for 7 years prior to January 1, 2000 in prosthetics as defined in Section 10 of the Act. The 7 years of practice has to be between January 1, 1993 and January 1, 2000; The application shall include:
      - i) Three affidavits from physicians licensed under the Medical Practice Act who have referred clients to the applicant; and
      - ii) Verification of prosthetic experience. Experience shall be full-time in an orthotic/prosthetic facility. Full-time is defined as 30 hours per week. (Part-time experience may be accepted if done in combination with orthotic and pedorthic experience.);
  - 2) A complete work history on forms provided by the Department;
  - 3) The fee required in Section 1325.45 of this Part; and
  - 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

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- c) An individual who meets the requirements of the Act and this part and obtains a license in Illinois is considered to have met the internationally accepted standards of orthotics and prosthetics as set forth by the International Society for Prosthetics and Orthotics.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

**Section 1325.25 Application for Licensure as a Pedorthist**

- a) Any person seeking licensure as a pedorthist shall file an application with the Department on forms provided by the Department. The application shall include the following:
- 1) Proof of graduation from high school or its equivalent;
  - 2) Proof of formal pedorthic education from a program recognized by the Department for certification in Pedorthics pursuant to Section 10 of the Act;
  - 3) Verification of successful completion of the pedorthic examination set forth in Section 1325.10 received directly from the designated testing service;
  - 4) A complete work history since completion of pedorthic education; and
  - 5) The required fee specified in Section 1345.45 of this Part.
- b) Any person seeking licensure as a pedorthist pursuant to Section 55 (Transition Period) of the Act shall file an application with the Department, on forms provided by the Department, postmarked no later than January 1, 2002. The application shall include the following:
- 1) Either:
    - A) Proof of certification as a Certified Pedorthist (CPed) by the Board of Certification in Pedorthics, Inc. (BCPI) or certification as a Certified Orthotist (CO) or Certified Prosthetist/Orthotist (CPO) from ABC; or
    - B) Proof of full-time practice for 7 years prior to January 1, 2000 in pedorthics as defined in Section 10 of the Act. The 7 years of practice has to be between January 1, 1993 and January 1, 2000. The application shall include:
      - i) Three affidavits from physicians licensed under the Medical Practice Act and/or podiatrists licensed under the Illinois Podiatric Medical Practice Act who have referred clients to the applicant; and
      - ii) Verification of pedorthic experience. Experience shall be full-time in a pedorthic or

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orthotic/prosthetic facility. Full-time is defined as 30 hours per week. (Part-time experience may be accepted if done in combination with orthotics and prosthetics experience.)

- 2) A complete work history on forms provided by the Department;
- 3) The fee required in Section 1325.45 of this Part; and
- 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

**Section 1325.30 Clinical Residency in Orthotics and Prosthetics**

- a) Applicants must complete a clinical residency of at least 1900 hours in the area for which the license is being sought (either orthotics or prosthetics). The residency shall meet the following criteria:
- 1) The clinical experience shall be under the direct supervision of a licensed orthotist or prosthetist or an ABC certified orthotist, prosthetist or prosthetist/orthotist and shall be in a facility that has received accreditation for an Orthotic and/or Prosthetic Residency Program from the National Commission on Orthotic and Prosthetic Education (NCOPE), or its successor.
  - 2) A maximum of 45 hours worked in any seven-day period may be applied toward meeting the 1900 hour requirement. The 1900 hours may be accumulated over a period not to exceed 24 months. The 1900 hour period must have been obtained within 10 years prior to the date of the application.
  - 3) Experience shall be obtained subsequent to education. Experience should be at all levels of orthotic and/or prosthetic care.
- b) Applicants who submit evidence of completion of a 1900 hour residency that is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE) or Commission for Accreditation of Allied Health Education Programs (CAAHEP) meet the requirements set forth in this Section.



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## Section 1325.35 Supervision

- a) Non-licensed caregivers (assistants, technicians, residents, or students) may provide orthotic, prosthetic, or pedorthic services only under the supervision of a licensee. The following sets forth four levels of supervision and identifies the supervisory relationship between the licensed orthotist, prosthetist, or pedorthist and other non-licensed orthotic, prosthetic, or pedorthic caregivers.

1) Independent - The licensed caregiver is qualified to provide independent, unsupervised, direct patient care as well as confer or consult with colleagues, physicians or other allied health professionals in providing patient care within the scope of practice.

2) Indirect Supervision - The non-licensed caregiver is qualified to provide patient care independent of a licensee; however, the licensed supervisor must review and countersign all entries in the patient's clinical record within 15 working days following the delivery of care. The supervisor must be physically available for consultation within 60 minutes during the delivery of care.

3) Close Supervision - The non-licensed caregiver is qualified to provide patient care independent of the designated clinical supervisor (licensed orthotist, prosthetist, or pedorthist); however, the supervisor must personally review the assessment and care rendered. The supervisor must be physically present in the facility and available for consultation throughout the delivery of care. The supervisor is responsible for countersigning all entries in the patient's clinical record.

4) Direct Supervision - The non-licensed caregiver is not qualified to provide patient care independent of the designated clinical supervisor (licensed orthotist, prosthetist, or pedorthist) and is only qualified to provide care under supervision. The supervisor must review the results of care rendered by the supervised individual before dismissal of the patient. The supervisor is available for consultation throughout the patient care process. The supervisor is responsible for countersigning all entries by the caregiver in the patient's clinical record before dismissal of the patient.

- b) Assistants may provide all levels of care. Supervision is based on training and experience of the assistant and the classification of the device. Custom fabricated and fitted devices and custom fitted devices (high complexity) should be provided under direct or close supervision. Custom fitted devices (low complexity) should be provided under close or indirect supervision. Off-the-shelf devices and over-the-counter devices may be provided under indirect supervision.

c) Technicians shall only provide care involving technical implementation skills and no clinical assessment or patient management skills. The care shall be under close or direct supervision depending on the complexity of the care.

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## Section 1325.40 Classification of Devices

- d) Residents shall provide all levels of care under supervision. Supervision should progress from direct supervision to indirect supervision as the resident progresses through the residency program.
- e) Students shall provide all levels of care under direct supervision.

## Section 1325.40 Classification of Devices

- a) The Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS) is used as a universal coding database for orthotic, prosthetic, and pedorthic devices. To determine the appropriate level of supervision, the following categorizations are used:

1) "Custom fabricated and fitted device" means an orthosis, prosthesis, or pedorthic device fabricated to original measurements and/or a mold for use by a patient in accordance with a prescription and that requires substantial clinical and technical judgment in its design and fitting. Licensees or non-licensed caregivers under direct or close supervision should provide custom fabricated and fitted devices.

2) "Custom fitted device" means a prefabricated orthosis, prosthesis, or pedorthic device sized and/or modified for use by the patient in accordance with a prescription, and that requires substantial clinical judgment and substantive alteration for appropriate use. Licensees or non-licensed caregivers under close or indirect supervision should provide custom fitted devices. Custom fitted devices are sub-classified as "high complexity" or "low complexity".

A) Custom fitted device (high complexity): A prefabricated orthosis, prosthesis, or pedorthic device sized and/or modified for use by the patient in accordance with a prescription and that requires substantial clinical judgment (involving high clinical assessment and patient management skills) or substantive alteration (involving medium technical implementation skills) for appropriate use.

B) Custom fitted device (low complexity): A prefabricated orthosis, prosthesis, or pedorthic device sized and/or modified for use by the patient in accordance with a prescription and that requires substantial clinical judgment (involving medium clinical assessment and patient management skills) or substantive alteration (involving low technical implementation skills) for appropriate use.

3) "Off-the-shelf device" means a prefabricated orthosis, prosthesis or pedorthic device sized and/or modified for use by the patient in accordance with a prescription and that does not require substantial clinical judgment and substantive alteration for appropriate use. Licensees or non-licensed caregivers under indirect supervision may provide off-the-shelf devices.

4) "Over-the-counter device" means a prefabricated, mass-produced



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device that is prepackaged and requires no professional advice or judgement in either size selection or use, including fabric or elastic supports, corsets, generic insoles, elastic hose. Over-the-counter devices do not require the supervision of a licensee.

- b) The Department hereby incorporates by reference the Categorization of Orthotic and Prosthetic HCPCS Payment Codes, Orthotics and Prosthetics National Office, Inc., 1650 King Street, Suite 500, Alexandria VA 22314-2747, August 2000, with no later amendments or editions.

**Section 1325.45 Fees**

The following fees shall be paid to the Department and are nonrefundable:

- a) The fee for application for a license as an orthotist, prosthetist or pedorthist is \$400.
- b) The fee for renewal of an orthotist, prosthetist or pedorthist license is \$125 per year.
- c) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- d) The fee for issuance of a duplicate license or for the issuance of a replacement license for a license that has been lost or destroyed is \$20.
- e) The fee for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is printed.
- f) The fee for certification of a license for any purpose is \$20.
- g) The fee for a wall certificate showing licensure is the actual cost of producing the certificate.
- h) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

**Section 1325.50 Renewals**

- a) The first license issued shall expire on September 30, 2003 and every September 30 of odd-numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each license holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered the unlicensed practice of orthotics, prosthetics, or pedorthics and subject to discipline or other penalties set forth in Section 90 of the Act.

**Section 1325.55 Endorsement**

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a) An applicant seeking licensure in Illinois who is licensed/registered under the laws of another jurisdiction shall file an application with the Department, on forms provided by the Department, that includes:

- 1) Certification of education and experience set forth in Sections 1325.15, 1325.20 and 1325.25 of this Part;
- 2) Proof of successful completion of the examination set forth in Section 1325.10 of this Part;
- 3) A work history on forms provided by the Department since completion of education;
- 4) The fee required in Section 1325.45 of this Part; and
- 5) Certification from the state or territory of the United States in which the applicant was originally licensed and the states in which the applicant is currently licensed, stating:
  - A) The time during which the applicant was licensed/registered in that jurisdiction; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) The Department may request additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application or is certified by a national certification organization with educational and testing standards equal to or more stringent than the licensing requirements of this State.

c) In lieu of the documentation required in subsections (a)(1) and (2), the Department will accept proof of current certification from the American Board for Certification in Orthotics and Prosthetics, Inc., or current certification from the Board for Certification in Pedorthics, Inc.

d) The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

**Section 1325.60 Dishonorable, Unethical or Unprofessional Conduct**

a) Pursuant to Section 90(a)(9) of the Act, engaging in dishonorable, unethical or unprofessional conduct in the practice of orthotics, prosthetics, or pedorthics shall include but not be limited to:

- 1) The promotion of the sale of services and devices in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.
- 2) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client.
- 3) Revealing of personally identifiable facts, data or information

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about a patient or client obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law.

- 4) Providing care or services without an order from a licensed physician or podiatrist.
- 5) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform.
- 6) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the person to whom the responsibilities were delegated is not qualified by training, experience, or licensure to perform them.
- 7) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed orthotist, prosthetist, or pedorthist.
- 8) Overutilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.
- 9) Making gross or deliberate misrepresentations or misleading claims, including but not limited to:
  - A) professional qualifications;
  - B) the efficacy or value of the treatments, remedies or devices given or recommended.
- 10) Gross and willful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.
- 11) Failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.
- 12) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting that are considered fraudulent or misleading shall include, but not be limited to:
  - A) Advertising by means of testimonials, anecdotal reports of orthotic, prosthetic, or pedorthic practice successes or claims of superior quality of care to entice the public; or
  - B) Advertising that contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements that play upon vanities or fears of the public or statements that promote or produce unfair competition.
- b) Pedorthics: The Department hereby incorporates by reference the Code of Ethical Conduct of the Board for Certification in Pedorthics, Inc., 7150 Columbia Gateway Drive, Suite G, Columbia MD 21046-1151, July 2000, with no later amendments or editions.
- c) Orthotics and Prosthetics: The Department hereby incorporates by reference the Canons of Ethical Conduct, American Board for

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Certification in Orthotics and Prosthetics, Inc., 1650 King Street, Suite 500, Alexandria VA 22314-2747, December 1999, with no later amendments and editions; and the Code of Ethics, International Society for Prosthetics and Orthotics, Education Committee, Borgervænget 5, 2100 Copenhagen, Denmark, January 1998, with no later amendments and editions.

## Section 1325.65 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he/she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons therefor, at the next meeting of the Board.

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code Part 100
- 3) Section Numbers:  
100.5250  
100.9000  
100.9100
- Proposed Action:  
Amendment  
Amendment  
Amendment
- 4) Statutory Authority: 35 ILCS 5/1401(a)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking corrects references to the Uniform Penalty and Interest Act to reflect amendments to that Act.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.5130	Amendment	24 Ill. Reg. 11188, 07/28/00
100.2470	Amendment	24 Ill. Reg. 11582, 08/04/00
100.2330	Amendment	24 Ill. Reg. 11778, 08/11/00
100.9530	New Section	24 Ill. Reg. 12445, 08/18/00

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate; nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Dana Deen Kinion  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: 217/782-6996

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:



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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2165 Education Expense Credit (IITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)  
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions  
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members  
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

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100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income  
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
DECEMBER 31, 1986

Section  
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986  
100.2310 Computation of the Illinois Net Loss Deduction  
100.2320 Determination of the Amount of Illinois Net Loss Carryovers  
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986  
100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns  
100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section  
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))  
100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

## SUBPART F: BASE INCOME OF INDIVIDUALS

Section  
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))  
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
BASE INCOME

Section  
100.3000 Terms Used in Article 3 (IITA Section 301)  
100.3010 Business and Nonbusiness Income (IITA Section 301)  
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section  
100.3100 Compensation (IITA Section 302)  
100.3110 State (IITA Section 302)  
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3200 Taxability in Other State (IITA Section 303)  
100.3210 Commercial Domicile (IITA Section 303)  
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General  
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment  
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation  
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)  
100.3350 Property Factor (IITA Section 304)  
100.3360 Payroll Factor (IITA Section 304)  
100.3370 Sales Factor (IITA Section 304)  
100.3380 Special Rules (IITA Section 304)  
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section  
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section  
100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credit for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section  
100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
100.5240 Claims for Credit of Overpayments  
100.5250 Liability for Combined Tax, Penalty and Interest  
100.5260 Combined Amended Returns  
100.5265 Common Taxable Year  
100.5270 Computation of Combined Net Income and Tax  
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
100.7000 Requirement of Withholding (IITA Section 701)  
100.7010 Compensation Paid in this State (IITA Section 701)  
100.7020 Transacting Business Within this State (IITA Section 701)  
100.7030 Payments to Residents (IITA Section 701)  
100.7040 Employer Registration (IITA Section 701)  
100.7050 Computation of Amount Withheld (IITA Section 701)  
100.7060 Additional Withholding (IITA Section 701)  
100.7070 Voluntary Withholding (IITA Section 701)  
100.7080 Correction of Under withholding or Overwithholding (IITA Section 701)

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100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References
SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING	
Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
SUBPART S: INFORMATION STATEMENT	
Section	
100.7200	Reports for Employee (IITA Section 703)
SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD	
Section	
100.7300	Returns of Income Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Under withholding or Overwithholding (IITA Section 704)
SUBPART U: COLLECTION AUTHORITY	
Section	
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100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)
SUBPART V: NOTICE AND DEMAND	
Section	
100.9100	Notice and Demand (IITA Section 902)
SUBPART W: ASSESSMENT	
Section	
100.9200	Assessment (IITA Section 903)
100.9210	Waiver of Restrictions on Assessments (IITA Section 907)
SUBPART X: DEFICIENCIES AND OVERPAYMENTS	
Section	
100.9300	Deficiencies and Overpayments (IITA Section 904)

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100.9310	Application of Tax Payments Within Unitary Business Groups (IITA Section 903)
100.9320	Limitations on Notices of Deficiency (IITA Section 905)
100.9330	Further Notices of Deficiency Restricted (IITA Section 906)
SUBPART Y: CREDITS AND REFUNDS	
Section	
100.9400	Credits and Refunds (IITA Section 909)
100.9410	Limitations on Claims for Refund (IITA Section 911)
100.9420	Recovery of Erroneous Refund (IITA Section 912)
SUBPART Z: INVESTIGATIONS AND HEARINGS	
Section	
100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings
SUBPART AA: JUDICIAL REVIEW	
Section	
100.9600	Administrative Review Law (IITA Section 1201)
SUBPART BB: DEFINITIONS	
Section	
100.9700	Unitary Business Group Defined (IITA Section 1501)
SUBPART CC: LETTER RULING PROCEDURES	
Section	
100.9800	Letter Ruling Procedures
APPENDIX A	Business Income Of Persons Other Than Residents
TABLE A	Example of Unitary Business Apportionment
TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas
AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].	
SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537,	



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effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART P: COMBINED RETURNS

## Section 100.5250 Liability for Combined Tax, Penalty and Interest

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- a) Joint and several liability of members of a combined group. The members of a combined group shall be jointly and severally liable for the combined tax, penalty and interest computed in accordance with this Subpart P, as well as the Uniform Penalty and Interest Act and rules adopted pursuant to the UPIA at 86 Ill. Adm. Code 700.
- b) Effect of intercompany agreements. No agreement entered into by one or more members of a combined group with any other member of such group or with any other person shall in any case have the effect of reducing the liability prescribed under this Section.
- c) Penalties. If a penalty is imposed under the IITA and the UPIA with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable year.
- 1) For purposes of applying the penalties for failure to file a return imposed by Section 3-3(a), and Section 3-3(a-5) and Section 3-3(a-10) of the Uniform Penalty and Interest Act (UPIA) [35 ILCS 735/3-3]:
- A) A corporation which erroneously fails to join in the filing of a combined return, but which timely files a separate Illinois income tax return or joins in the timely filing of a combined return for another combined group, shall not be subject to any penalty. In determining whether such separate or combined return is timely filed, the separate taxable year of such corporation or the common taxable year of the combined group such corporation erroneously joined shall be used, rather than the common taxable year of the combined group with which such corporation should have filed.
- B) A corporation which erroneously fails to join in the filing of a combined return, and which fails, without reasonable cause, to timely file a separate Illinois income tax return or to join in the timely filing of a combined return for another combined group, shall be subject to penalty computed on the amount of tax shown (or required to be shown) due on the combined return for its proper combined group. Because it is the duty of the designated agent, acting on behalf of the combined group, to include such corporation in the combined return, the members of the combined groups shall be jointly and severally liable for the penalty.
- C) A corporation which erroneously joins in the timely filing of a combined return shall not be subject to penalty for failure to file a return.
- 2) For purposes of applying the penalty for failure to timely pay tax imposed by UPIA Section 3-3(b), Section 3-3(b-5) and Section 3-3(b-10) [35 ILCS 735/3-3(b)]:
- A) In a case where a corporation erroneously fails to join in the filing of a combined return for a common taxable year, neither that corporation nor the combined group shall be subject to any failure-to-pay penalty under UPIA Section

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3-3(b)(1), Section 3-3(b-5)(1) or Section 3-3(b-10)(1) if timely payment is made of the tax shown on a separate return filed by such corporation or on a combined return in which it erroneously joins in filing for each taxable year ending with or within such common taxable year. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2), Section 3-3(b-5)(2) or Section 3-3(b-10)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

B) A corporation which erroneously fails to join in the filing of a combined return for a common taxable year and also fails to timely pay the tax shown on a separate return it files or on a combined return in which it joins in filing for each taxable year ending with or within such common taxable year shall be subject to penalty under UPIA Section 3-3(b)(1), Section 3-3(b-5)(1) or Section 3-3(b-10)(1) only for failure to pay the tax shown on the return it actually files or joins in filing. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2), Section 3-3(b-5)(2) or Section 3-3(b-10)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

C) If a corporation erroneously joins in the filing of a combined return, neither such corporation nor the combined group shall be subject to penalty under UPIA Section 3-3(b)(2), Section 3-3(b-5)(2) or Section 3-3(b-10)(2) for failure to pay any tax required to be shown on a separate company return and the combined group shall not be subject to penalty under UPIA Section 3-3(b)(2), Section 3-3(b-5)(2) or Section 3-3(b-10)(2) for failure to pay any increase in tax resulting from the exclusion of such corporation from the combined group if the tax timely paid with the original combined return exceeds the total tax required to be shown on the correct returns.

3) For purposes of applying the negligence penalty imposed by UPIA Section 3-5 [35 ILCS 735/3-5] or the fraud penalty imposed by UPIA Section 3-6 [35 ILCS 735/3-6] in any case in which a corporation erroneously joins or fails to join in the filing of a combined return, the penalty may be imposed on any deficiency resulting from such error, without taking into account any overpayment which may have resulted from the error.  
Example. Corporations A, B and C meet all the requirements of a

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unitary business group, except that Corporations A and B are financial organizations which cannot be included in the same unitary business group as Corporation C, a manufacturer. On a separate-return basis, Corporation A has an Illinois net loss of \$500, Corporation B has Illinois net income of \$300 and Corporation C has Illinois net income of \$700. Corporations A and C file a combined return reporting combined Illinois net income of \$200, while Corporation B files a separate return reporting Illinois net income of \$300. On audit, the Department corrects the liabilities by combining Corporations A and B, which eliminates Corporation B's separate return income and entitles them to a refund of the taxes paid by Corporation B, and by determining a separate return deficiency for Corporation C. If the combination of Corporations B and C on the original return was due to negligence or an intent to defraud, Corporation C will be subject to the applicable penalty on its entire deficiency without regard to the overpayment made by Corporation B.

4) For purposes of applying the penalty for failure to pay estimated taxes under IITA Section 804, see Section 100.5230 of this Part.

d) Interest. If interest is imposed under the IITA, at the rate determined under the UPIA, with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable year. For purposes of computing any combined overpayment or underpayment on which interest is imposed:

1) in a case in which one or more corporations erroneously failed to join in the filing of the combined return, all payments, credits and other amounts collected from such corporations which are properly attributable to the common taxable year shall be treated as having been paid by the combined group for such common taxable year; and

2) in a case where one or more corporations are erroneously included in a combined return, the designated agent may allocate to each such corporation some or all of the payments, credits and other amounts collected from the combined group which are properly attributable to the common taxable year, and all overpayments and underpayments for such corporations and the combined group will be computed in accordance with such allocation. The amount of estimated tax payments allocated to each such corporation pursuant to this subsection (d)(2) must be consistent with the amounts allocated to such corporation under Section 100.5230(a) and (g) of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART U: COLLECTION AUTHORITY

Section 100.9000 General Income Tax Procedures (IITA Section 901)



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a) Collection procedure. The Illinois income tax system basically is one of self-assessment. In general, each person or taxpayer liable for tax is required to file a prescribed form of return showing the facts upon which tax liability may be determined and assessed; the taxpayer is required to compute the tax due on the return and make payment thereof on or before the due date for filing the return. If the taxpayer fails to pay all or any part of the tax when due, the Director, after assessment, issues to each person liable for any unpaid portion thereof, a notice and demand for payment at the place and time stated in the notice. The income tax is principally collected through withholding at the source or by payments of estimated tax required by law to be filed by certain individual and corporate taxpayers. Neither withholding nor payment of estimated tax relieves a taxpayer from the duty of filing an income tax return otherwise required.

1) Prior to January 1, 1994, IITA Section 1003(a) provides that interest at the rate of 9% per annum (or at such adjusted rate as is established under Section 6621(b) of the Internal Revenue Code) shall be paid on unpaid amounts of tax imposed by the Act from the due date to the date paid; however, subsection (e) thereunder provides that, if a notice and demand for payment of an amount due is issued, interest shall not be imposed for the period after the date of such issuance if such amount is paid within ten days.

2) On and after January 1, 1994, IITA Section 1003(a) provides that interest shall be paid in the manner and at the rate prescribed in Section 3-2 of the UPIA for the period from such date to the date of payment of such amount. Section 3-2(c) of the UPIA provides that if notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 21 days after the date of such notice and demand, interest on the amount so paid shall not be imposed for the period after the date of the notice and demand.

b) Examination and determination of tax liability-

1) Filing and examination of return. After the income tax returns are filed with the Department, they are sorted, classified, and processed (which includes inspection of the return to verify the accuracy of the tax and supporting computations therein). Errors apparent in the return are corrected (see Section 100.9200(a)(2) below) and notification of the error and the corrections are sent to the taxpayer. Thereafter, many of these returns are selected for examination which may be conducted by correspondence, office audit, or field audit. If, after examination, the return is accepted as filed, the taxpayer is notified by appropriate "no change" letter or report. If, as a result of examination, adjustments are proposed increasing the amount of the tax liability shown on the return or (with or without a claim for

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refund) decreasing it, and the taxpayer agrees in whole or in part with such adjustments, he may be requested to execute Illinois Form IL-870, waiving the restrictions on assessment and collection, and enabling immediate assessment upon acceptance by the Department after appropriate review of the examiner's (Revenue Auditor's) report. If adjustments are proposed with which the taxpayer does not agree, he ordinarily is afforded certain administrative appeal rights as described below which, however, do not apply in any case where criminal prosecution is under consideration or, in the discretion of the Director, the state's interest thereby would be prejudiced. Nor is appropriate action otherwise precluded where the assessment or collection of the tax is in jeopardy (see Section 1102 of the Illinois Income Tax Act).

2) Office conference with Department auditor and his supervisor.

A taxpayer initiates the administrative appeal rights advertised to in subsection paragraph (b)(1) above by requesting, after the Department has proposed adjustments, an office conference to be attended by either himself or his representative (or both), the auditor, and the auditor's supervisor or other designee; the request may be by telephone or in writing. Written objections to the adjustments proposed are not required. The objectives of the office conference are to provide taxpayers an opportunity by discussion and further consideration to reach an early agreement respecting disputed items arising from the examination and to assure to the extent possible that all available pertinent facts, contentions, and viewpoints are included in the file and taken into account in the formulation of recommendations. Further objectives are to insure that the Act provisions as interpreted by regulations and rulings are properly applied and that the recommendations are consistent with any Department positions thereunder, as well as to provide a full explanation to the taxpayer and to reflect in the case file the findings and conclusions reached and the reasons therefor. If as a result of the office conference adjustments are proposed with which the taxpayer agrees in whole or part, he again ordinarily will be requested to execute the aforementioned Form IL- 870 subject to the Department's review and acceptance; see Section 86--~~Ill-Adm-Code~~ 100.9220(a) for the effect such execution has on the running of interest.

3) Audit Review; Issuance of Notice of Deficiency. If, after the office conference, the taxpayer does not agree with the proposed adjustments, the administrative case file will then be submitted to the Department's audit review staff for technical and arithmetic review. After such review, the Audit Review staff will issue a Notice of Deficiency



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that, irrespective of other provisions, any amount paid as tax or in respect of tax paid under the Act other than amounts withheld or paid as estimated tax under Articles 7 or 8 shall be deemed assessed upon the date of receipt of payments. If as a result of a mathematical error the amount of tax shown on a return or on such amended return is understated, the Department is to notify the taxpayer that the portion of the correct amount of tax in excess of that shown on the return has been (deemed) assessed is due. Also, thereunder, the tax computed by the Department on a return properly filed without the tax computation is to be deemed assessed as of the date when payment is due.

- 4) Notice of deficiency as prerequisite to assessment. Inasmuch as the tax deemed assessed in each of the above instances is based on the facts reported in the return or amended return filed by the taxpayer, any notice and demand issued to effect immediate collection of the tax remaining unpaid in connection therewith is not considered to be a notice of deficiency as that term is used in IITA Section 903(a)(2). However, a notice of deficiency is a prerequisite for assessment if the taxpayer fails to file a tax return and under the authorization in IITA Section 904(b) the Department determines the amount of tax and penalties due according to its best judgment and information.
- 5) Interest-

A) Prior to January 1, 1994, IITA Section 1003(a) and (e) provides that interest at the rate of 9% per annum (or at such adjusted rate as is established under Section 6621(b) of the Internal Revenue Code) is to be paid on any amount of tax imposed by the Act not paid on or before the date prescribed for payment thereof except that, if paid within 10 days after of the date of issuance of notice and demand therefor, interest is not to be imposed for the period after the notice and demand issuance date. Interest begins with the date of issuance of the notice and demand on any penalty not paid within the 10-day period. (See IITA Sections 601(a) and 1003.)

B) On and after January 1, 1994, IITA Section 1003(a) provides that interest shall be paid in the manner and at the rate prescribed in Section 3-2 of the UPIA for the period from such date to the date of payment of such amount. Section 3-2(c) of the UPIA provides that if notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 21 days after the date of such notice and demand, interest on the amount so paid shall not be imposed for the period after the date of the notice and demand.

b) Judicial review.

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pursuant to IITA 904(c) for any unagreed or disputed amounts. Notices of Deficiency, although to be prepared and issued by Audit Review, due to being in the nature of pleadings, shall be subject to review before issuance by the Income Tax Legal Division.

- c) Protest Procedures. Pursuant to IITA Sections 904(d) and 908(a) a taxpayer may protest the Notice of Deficiency by requesting a hearing before the Department. The taxpayer has 45 days (150 days if the taxpayer is outside the United States) after the issuance of a Notice of Deficiency to submit a proper protest to the Audit Review Division. Failure to properly protest the Notice of Deficiency within the 60 (150) day period results in the automatic assessment of the tax, and penalty shown therein. See 86 Ill. Adm. Code 200.120 for protest requirements. Upon receiving a timely protest to the adjustments proposed in the examiner's report, the administrative case file will be forwarded to the Department's Income Tax Legal Division.
- d) Hearings. Department Hearings shall be conducted in accordance with the regulations provided at 86 Ill. Adm. Code 200, "Practice and Procedure for Hearings Before the Illinois Department of Revenue".

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART V: NOTICE AND DEMAND  
Section 100.9100 Notice and Demand (IITA Section 902)

- a) In general-
  - 1) Notice required. Except as provided in subsection (b) below, the Director or his delegate shall issue written notice and demand for payment for any unpaid portion of taxes, penalties, and interest imposed by the Act as soon as practicable after an amount payable thereunder has been deemed assessed. The written notice (see IITA Section 1402) shall be given to the person or persons liable for the unpaid amount and shall state a time and place for payment. (Effective for taxable years ending after December 30, 1973, the written notice shall be sent by first class mail or left at the person's (or persons') usual place of business.)
  - 2) Tax shown as due on returns. IITA Section 601(a) requires that a taxpayer pay (without notice or demand) the amount of tax shown on a return which remains unpaid after taking into account certain amounts enumerated in IITA Section 601(b).
  - 3) Self-assessment; mathematical errors. IITA Section Sections 903(a)(1) and (4) provides that the amount of tax shown due on a return or on an amended return increasing the tax shall be deemed assessed as of the date the return is filed but

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- 1) In general. If a notice of deficiency has been issued and deemed assessed under IITA Section 903(a)(2) and the person (or persons) liable for the tax has filed a timely protest under IITA Section 908, notice and demand respecting such assessment shall not be made until all proceedings in court for review of the assessment have terminated or the time for taking thereof has expired without such proceedings being instituted.
- 2) Protest of notice of deficiency. IITA Section 908 provides that after a notice of deficiency is issued the taxpayer may file a protest against it within 45 days (150 days if the taxpayer is outside the United States). The Department's action on the protest, if no hearing was requested, becomes final 30 days after the mailing of a notice of decision. If a hearing was requested, the Department's action becomes final 30 days after the mailing of a notice of decision unless a rehearing is requested within that 30-day period. If, within that 30-day period, the taxpayer requests a rehearing on the decision, the Department's action becomes final either upon its issuance (within 10 days after the rehearing request is received) or of a denial of the request or, if such denial is not issued within that 10-day period, upon the Department's issuance (as soon as practicable) of a notice of final decision. (See Section 86--Ill--Adm--Code 100.9200 and this Section 100.9100.)
- 3) Administrative Review of decisions. IITA Section 1201 states that the provisions of the Administrative Review Act and rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of the Department's final actions under IITA Sections 908(d) and 910(d). Section 4 of that Act states that every action to review a final administrative decision shall be commenced by the filing of a complaint and the issuance of summons within 35 days from the date of service on the party affected of a copy of the decision sought to be reviewed.

## c) Action for recovery of taxes.

- 1) In general. The Department, at any time that levy proceedings may be timely commenced under IITA Section 1109, regardless of whether a notice of lien was filed under the provisions of Section 1103 may bring an action in any court of competent jurisdiction within or without this state to recover the amount of unpaid taxes, penalties, and interest due under the Act. For purposes of such action, certification by the Department of the correctness of the amount of any deficiency, its assessment, and of its procedural compliance with all provisions of the Act shall constitute prima facie evidence of such correctness, assessment, and procedural compliance.

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- 2) Levy and sale authorized. If tax due under the Act remains unpaid for 10 days after issuance of a notice and demand for payment and no review proceedings have been commenced, then under IITA Section 1109, the Department may institute levy and sale proceedings against real and personal property of the taxpayer within 20 years after of the filing (under IITA Section 1103) of a notice of lien.
- 3) Liens. Under IITA Sections 1102 and 1103, the Department may file a notice of regular lien or jeopardy assessment lien respecting the amount due of unpaid tax and penalty (plus interest due and unpaid at the time the notice of lien is filed) in the office of the Recorder of Deeds in the county in which the property (real or personal) subject to the lien is located. If title to land to be affected by the lien notice is registered under the May 1, 1897 Act concerning land titles mentioned in IITA Section 1103, the notice is to be filed in the office of the Registrar of Titles of the county in which the property subject to the lien is situated. (See also IITA Section 1109.)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code Part 130
- 3) Section Numbers: Proposed Action:  
130.901 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking corrects references to the Uniform Penalty and Interest Act and regulations thereunder to reflect amendments to the Act and regulations.
- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.330	Amendment	24 Ill. Reg. 7617, 05/26/00
130.101	Amendment	24 Ill. Reg. 11245, 07/28/00
130.551	Amendment	24 Ill. Reg. 11245, 07/28/00
130.120	Amendment	24 Ill. Reg. 11599, 08/04/00
130.1960	Amendment	24 Ill. Reg. 11599, 08/04/00
130.332	New Section	24 Ill. Reg. 11599, 08/04/00
130.605	Amendment	24 Ill. Reg. 13617, 09/08/00
130.325	Amendment	24 Ill. Reg. 14393, 09/29/00

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Dana Deen Kinion  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized July 2000
- The full text of the Proposed Amendments begins on the next page:



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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

## Section

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## Meaning of Gross Receipts

130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.405	Cost of Doing Business Not Deductible
130.410	Transportation and Delivery Charges
130.415	Finance or Interest Charges--Penalties--Discounts
130.420	Traded-In Property
130.425	Deposit or Prepayment on Purchase Price
130.430	State and Local Taxes Other Than Retailers' Occupation Tax
130.435	Penalties
130.440	Federal Taxes
130.445	Installation, Alteration and Special Service Charges
130.450	Motor Vehicle Leasing and Trade-In Allowances
130.455	

## SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns--When Due--Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility

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SUBPART H: BOOKS AND RECORDS		SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE	
130.710	Requirements	Section	
130.715	Procedure When Security Must be Forfeited	130.1301	When Lessee of Premises Must File Return for Leased Department
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130.815	Preservation and Retention of Records	130.1415	Resale Number--When Required and How Obtained
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## ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980;



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amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## NOTICE OF PROPOSED AMENDMENTS

## SUBPART I: PENALTIES AND INTEREST

## Section 130.901 Civil Penalties

Beginning January 1, 1994, the Uniform Penalty and Interest Act [35 ILCS 735] applies to civil penalties imposed for violations of the Retailers' Occupation Tax Act or of any regulation of the Department issued pursuant to that Act. (See 86 Ill. Adm. Code 700 for ~~for~~ explanations and examples of the application of these penalties.) ~~please--refer--to--86--iii--Adm--Code--700-300-340-~~ The Retailers' Occupation Tax Act provided the following penalties for violations of the Act or of any Regulation of the Department issued pursuant thereto prior to January 1, 1994:

## a) Filing an Incorrect Return

If the tax computed upon the basis of the gross receipts as fixed by the Department is greater than the amount of tax due under the return or returns as filed, the Department shall (or if the tax or any part thereof that is admitted to be due by a return or returns, whether filed on time or not, is not paid, the Department may) issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 10% thereof. Provided, that if the incorrectness of any return or returns as determined by the Department is due to fraud, said penalty shall be 30% of the tax due (Section 4 of the Act). The above-quoted penalties apply on or after January 1, 1988 through December 31, 1993.

## b) Failure to File Return When Required, but Payment Prior to Notice of Tax Liability

In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this section, files a return and pays the tax, he shall also pay a penalty of 10% of the amount of the tax. (Section 5 of the Act)

1) The above-quoted penalty applies January 1, 1988 through December 31, 1993.

A) EXAMPLE: The taxpayer's return for November 1987, is required to be filed on or before December 31, 1987. The taxpayer files the return on January 10, 1988. Because the return is filed late in January 1988, it is subject to the 10% penalty rate that went into effect January 1, 1988.

B) EXAMPLE: The taxpayer's return for October 1987, is required to be filed on or before November 30, 1987. The taxpayer files the return on December 12, 1987. Because the return is filed late during December 1987, it is subject to the 7.5% penalty rate that was in effect during December 1987.

2) As to tax liability incurred before November 1, 1987, but on or after December 1, 1984, the penalty in this situation is 7.5%.

c) Filing Return at Required Time but Failure to Pay Tax

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In case any person engaged in the business of selling tangible personal property at retail files the return at the time required by the Act but fails to pay the tax, or any part thereof, when due, a penalty of 10% of the amount of the tax unpaid when due shall be added thereto. (Section 5 of the Act)

- 1) The above-quoted penalty applies on or after January 1, 1988 through December 31, 1993.
- 2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.
- d) Filing Late Return Without Payment of Entire Tax  
In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this section, files a return but fails to pay the entire tax, a penalty of 10% of the full amount of tax shown by such return shall be added thereto. (Section 5 of the Act)
- 1) The above-quoted penalty applies on or after January 1, 1988 through December 31, 1993.
- 2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.
- e) Failure to File Return When Required, and Failure to Pay Prior to Notice by Department  
In case any person engaged in the business of selling tangible personal property at retail fails to file a return, the Department shall determine the amount of tax due from him according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination.... The Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 30% thereof. (Section 5 of the Act)
- 1) The above-quoted penalty applies to tax liability incurred on or after December 1, 1984 through December 31, 1993.
- 2) As to tax liability incurred before December 1, 1984, but after July 1, 1965, the penalty in this situation is 20%.

- f) Effect of a Taxpayer's Bankruptcy Filing Upon a Notice of Tax Liability  
Generally, if a protest to a notice of tax liability and a request for hearing is not filed within 60 days after issuance of a Notice of Tax Liability (NTL), such NTL shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment. (See Section 5 of the Act) However, if prior to the issuance of the NTL, a taxpayer has filed a petition in U.S. Bankruptcy Court and the automatic stay is still in effect, or if a taxpayer files such a petition within 60 days after the issuance of an NTL, the automatic stay prevents any pre-petition liability included in the NTL from becoming final even though not protested within 60 days after the issuance of the NTL. If any pre-petition tax included

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in the NTL is not paid to the Department through the bankruptcy proceeding, adjudicated by the bankruptcy court, or discharged by the bankruptcy court, the taxpayer has 60 days after termination of the automatic stay to protest the pre-petition liability and request an administrative hearing pursuant to 86 Ill. Adm. Code 200.

- g) Over-Collection of Tax, or Collection of Tax on Nontaxable Receipts  
If a seller collects an amount (however designated) that purports to reimburse the seller for Retailers' Occupation Tax liability measured by receipts that are not subject to retailers' occupation tax, or if a seller, in collecting an amount (however designated) that purports to reimburse the seller for Retailers' Occupation Tax liability measured by receipts that are subject to tax under the Act, collects more from the purchaser than the seller's Retailers' Occupation Tax liability on the transaction, the purchaser shall have a legal right to claim a refund of that amount from the seller. If, however, that amount is not refunded to the purchaser for any reason, the seller is liable to pay that amount to the Department. This subsection (g) does not apply to an amount collected by the seller as reimbursement for the seller's Retailers' Occupation Tax liability on receipts that are subject to tax under the Act as long as such collection is made in compliance with the tax collection brackets prescribed by the Department at 86 Ill. Adm. Code 150. Table A. (Section 2-40 of the Act)  
For example, a lessor of tangible personal property who paid Use Tax up front upon acquisition of the rental property collects an amount described in the rental statements as a "tax" from lessees. Because the lease contract payment amounts do not generate a tax, the amounts collected as a "tax" are a collection of tax on nontaxable receipts and the lessee has a legal right to claim a refund of that amount. If the amount is not refunded, the taxpayer must pay the amount to the Department. (See John Nottoli, Inc. v. Department of Revenue (Fourth Dist. 1995, 272 Ill.App.3d 822).)  
h) Filing Late Return Due to "Reasonable Cause"  
1) The penalties imposed under Sections 3-3, 3-4 and 3-5 of the Uniform Penalty and Interest Act shall not apply if the taxpayer shows that his failure to file a return or pay tax at the required time was due to reasonable cause.  
2) The Department will decide whether to abate a penalty by considering the extent to which the taxpayer made a good faith effort to determine his proper tax liability and pay his proper liability in a timely fashion. In making this determination the Department will use the standards set out in the Reasonable Cause Section (86 Ill. Adm. Code 700.400) of the Uniform Penalty and Interest Act regulations.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Uniform Penalty and Interest Act

2) Code Citation: 86 Ill. Adm. Code 700

3) Section Numbers: Proposed Action:  
 700.100 Amend  
 700.220 Amend  
 700.300 Amend  
 700.350 New  
 700.400 Amend

4) Statutory Authority: 20 ILCS 2505/2505-25; 35 ILCS 5/1401(a)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Sections 700.100, 220 and 300 of the Uniform Penalty and Interest Act to update current provisions for penalty applications and to reflect, clarify and provide examples of the new late filing and late payment penalty structures and interest charge enacted by P.A. 91-803. P.A. 91-803 amended the Act to eliminate the application of interest on penalty, to provide for the calculation of the Tier 1 late filing penalty after taking into account taxes paid and credits allowable as of the due date of the return, and to provide for a late payment penalty calculated at graduated rates based upon the number of days payment is late.

This rulemaking adds new Section 700.350 to explain the Bad Check Penalty added to the Uniform Penalty and Interest Act by P.A. 91-803 as an additional penalty applicable under the Act. Section 700.400 is amended by this rulemaking to further explain policies of the Department used in making reasonable cause determinations.

6) Will this proposed amendment replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Dana Deen Kinion

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Associate Counsel  
 Illinois Department of Revenue  
 Legal Services Office  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not on either of the last two Regulatory Agenda because: it was unanticipated at the time.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 700

## UNIFORM PENALTY AND INTEREST ACT

## SUBPART A: SCOPE AND APPLICATION OF THE ACT

## Section

700.100 Scope of the Act and this Part  
700.110 Application of the Provisions of the Act and this Part

## SUBPART B: INTEREST

700.200 Interest Paid and Interest Charged  
700.210 Interest Rate Calculation  
700.220 Interest Charged Taxpayers  
700.230 Interest Paid Taxpayers on Overpayments

## SUBPART C: PENALTIES

700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax  
700.310 Penalty for Failure to File Correct Information Returns  
700.320 Penalty for Negligence  
700.330 Penalty for Fraud  
700.340 Personal Liability Penalty  
700.350 Bad Check Penalty

## SUBPART D: REASONABLE CAUSE

700.400 Reasonable Cause

## SUBPART E: PAYMENT APPLICATION

700.500 Payment Application

**AUTHORITY:** Implementing the Uniform Penalty and Interest Act [35 ILCS 735], and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted at 18 Ill. Reg. 1561, effective January 13, 1994; amended at 19 Ill. Reg. 1909, effective February 6, 1995; amended at 20 Ill. Reg. 14632, effective October 29, 1996; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: SCOPE AND APPLICATION OF THE ACT

## DEPARTMENT OF REVENUE

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## Section 700.100 Scope of the Act and this Part

The Uniform Penalty and Interest Act [35 ILCS 735/3-1-et-seq.] ("the Act" or "the UPIA") and this Part apply to all taxes administered by the Illinois Department of Revenue with the exception of the Racing Privilege Tax Act [230 ILCS 5/27], the Revenue Act of 1939 [35 ILCS 205/1-et-seq.], the Real Estate Transfer Tax Act [35 ILCS 305/1-et-seq.] and the Coin-Operated Amusement Device Tax [35 ILCS 510/1-et-seq.]. A specific provision of a particular act contrary to the requirements of the Uniform Penalty and Interest Act will control, as will a specific provision that may impose a penalty in addition to the penalties provided for in the UPIA. Generally, the Uniform Penalty and Interest Act applies to the Motor Fuel Tax Act with the exception of provisions concerning the International Fuel Tax Agreement and MPBT (Motor Fuel Use Tax) [35-b6S-505/11].

**EXAMPLE 1:** The Uniform Penalty and Interest Act contains Section 3-4 which sets forth the penalty for failure to file correct information returns. However, Section 5b of the Motor Fuel Tax Act provides for the filing of an information return by bulk users of special fuel and imposes a 5% penalty for failure to file this information return. When the Uniform Penalty and Interest Act was enacted, Section 5b of the Motor Fuel Tax Act was not amended to reference the 5% penalty under the Uniform Penalty and Interest Act. Therefore, the 5% penalty will continue to apply to a failure to file an information return by a bulk user of special fuel. The 5% penalty is a penalty otherwise provided for in a tax Act. (See Section 3-4(a)(1) of the Act)

**EXAMPLE 2:** Section 3 of the Cigarette Tax Act [35 ILCS 130/3] requires distributors of cigarettes to purchase cigarette tax stamps and affix those stamps to packages of cigarettes before delivering the cigarettes in this State to a purchaser. Section 3 of the Cigarette Tax Act allows distributors to purchase the tax stamps from the Department with post-dated drafts. Section 3 provides that a distributor's failure to pay any such draft when due, shall also make such distributor liable to the Department for a penalty equal to 25% of the amount of such draft. The 25% penalty is a penalty otherwise provided for in a tax Act that is in addition to the penalties imposed under the UPIA.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART B: INTEREST

## Section 700.220 Interest Charged Taxpayers

a) Interest charged to taxpayers applicable for returns due on or before \_\_\_\_\_.

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December 31, 2000. Interest shall be simple interest calculated on a daily basis. Interest shall accrue upon tax and penalty due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 21 days after the date of such notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand. (Section 3-2(c) of the Act)

b) Interest charged to taxpayers applicable for returns due on and after January 1, 2001. Interest shall be simple interest calculated on a daily basis. Interest shall accrue upon tax due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand. (Section 3-2(c) of the Act)

EXAMPLE: A taxpayer timely filed his individual income tax return on April 15, but because of an arithmetic error the taxpayer did not pay the entire amount of tax due. An assessment for tax due and late payment penalty imposed will be issued and showing interest calculated at the semiannually adjusted daily rate pursuant to the Act and this Section on the tax due only.

cb) Interest on tax shall accrue from the due date of the tax without regard to extensions of time for filing of returns.

dc) For returns due on or before December 31, 2000, interest interest on any penalty shall accrue from the date the penalty is imposed.

EXAMPLE 1: A taxpayer was required to file a return under the Retailers' Occupation Tax Act on or before February 20, 1994 for the January 1994 liability period. The return was filed and tax was paid on May 25, 1994. An assessment will be issued with interest calculated at the semiannually adjusted daily rate pursuant to the Act and this Part on the tax due and penalty assessed from February 21, 1994 through May 25, 1994, the date the tax was paid.

EXAMPLE 2: A taxpayer was required to file a return under the Retailers' Occupation Tax Act on or before December 20, 1993 for the November 1993 liability period. The return was filed and tax was paid on May 25, 1994. An assessment will be issued with interest calculated at the 1.25% per month or fraction of month rate from December 21, 1993 to December 31, 1993 and at the semiannually adjusted daily rate imposed pursuant to the Act and these rules on the tax due, from January 1, 1994 through May 25, 1994, the date the tax was paid. No interest shall be charged or accrued on the penalty assessed since the due date of the tax was before the effective date

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of the Uniform Penalty and Interest Act.

EXAMPLE 3: A taxpayer was required to make accelerated payments of the Public Utilities Tax on the 7th, 15th, 22nd and 31st of January 1994. Each payment should have been \$3000. The taxpayer did not make a payment on the 31st day of January, but the taxpayer did pay \$3000 with the monthly return which was filed, when due, on February 15, 1994. The taxpayer will be charged a 15% late payment penalty because the last accelerated payment was not paid when due. An assessment will be issued with interest calculated on the tax and penalty from February 1, 1994 through February 15, 1994, when the payment was received.

EXAMPLE 4: A corporate calendar year taxpayer (C corporation) files a return under the IITA on March 15, 1994 for its 1993 taxable year. The corporation was liable for, but did not make, any estimated payments for the taxable year. The tax liability reported on the IF-1120 was paid in full when the return was filed. Upon the filing of the return the corporation will be assessed a late payment penalty for failure to make proper quarterly estimated payments. Interest on the late payment penalty will begin to accrue on the original due date of the return and will continue to accrue until the date paid.

EXAMPLE 5: A corporate, calendar-year taxpayer files a return under the IITA on March 15, 1994 for its 1993 taxable year. The corporation properly made all estimated payments and paid the remainder of its tax liability when the return was filed. In 1997 an audit is completed on the corporation's 1993 return and additional liability is proposed. The corporation agrees to the audit results but does not pay the liability until 35 30 days after the Notice and Demand for payment is issued. A late payment penalty will be assessed on the audit liability and interest will accrue on the penalty from the original due date of the 1993 return until the date the penalty is paid.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PENALTIES

## Section 700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax

- a) Late filing penalty for original returns due prior to January 1, 1996. A penalty of 5% of the tax required to be shown due on a return shall

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be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling).

1) If any unprocessable return is corrected and filed within 21 days after notice by the Department the late filing or nonfiling penalty shall not apply. (Section 3-3(a) of the Act) The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the 5% penalty by the late filing of an unprocessable return which is then corrected within 21 days of notice by the Department.

2) A return, for purposes of the imposition of this penalty, is any return required by a tax Act to be filed with the Department that is not an information return as that term is defined in Section 3-4(c) of the Act.

EXAMPLE 1: A withholding agent files Form IL-941 (Employer's Quarterly Illinois Withholding Tax Return) for third quarter 1994 on November 1, 1994. The total Illinois tax withheld is \$500,000. The form was due on October 31, 1994. A late payment filing penalty is imposed as follows: Total Illinois tax withheld (\$500,000) times the 5% late filing penalty equals \$25,000.

EXAMPLE 2: A withholding agent files Form IL-W-3 (Reconciliation of Illinois Income Tax Withheld and Transmittal of Income and Tax Statements) for tax year 1993 on March 1, 1994. The total Illinois tax withheld is \$1,000,000. The form was due on February 28, 1994. A late filing penalty is imposed as follows: Total Illinois tax withheld (\$1,000,000) times the 5% late filing penalty is \$50,000.

3) If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty (Section 3-3(a) of the Act).

b) Late filing penalty for original returns due on and after January 1, 1996 and on or before December 31, 2000.

1) A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of \$250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. (Section 3-3(a-5) of the Act)

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EXAMPLE 1: Your Form ST-1 is due by April 20, but you file it on May 17. The tax shown due on your return is \$10,000. You timely paid the full \$10,000 in accelerated tax payments. We notify you that you owe a penalty of \$200 (2% x \$10,000 = \$200; \$200 is less than \$250, therefore you owe \$200) and interest because you did not file your return by the April 20 due date. If you do not pay the \$200 penalty and interest within 30 days after the date of our notice, additional interest will accrue on the \$200 penalty.

EXAMPLE 2: Your Form IL-1040 is due by April 15, but you file it on November 10 (after the extended due date). The tax shown due on your return is \$1,500. Your employer withheld \$1,200 for Illinois Income Tax, and you timely paid us \$400 in estimated tax payments. You have overpaid your tax by \$100 (\$1,500 - \$1,200 - \$400 = -\$100). We notify you that you owe a penalty of \$30 (2% x \$1,500 = \$30; \$30 is less than \$250, therefore you owe \$30) because you did not file your return by the due date. We reduce your refund by the \$30 penalty and issue you a check for \$70.

EXAMPLE 3: Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 25 days after our notice and pay the total tax due of \$18,500. We notify you that you owe a penalty of \$250 (2% x \$18,500 = \$370; \$370 is greater than \$250, therefore you owe \$250) and interest because you did not file your return by the September 30 due date.

EXAMPLE 4: Your Form IL-1120 is due by March 15 but you file it on December 20 (after the extended due date). The income tax shown on the return is \$6,000 and the replacement tax shown on the return is \$3,125. An Enterprise Zone Investment Credit of \$2,000 is claimed against your income tax liability. You have timely paid \$7,500 in estimated payments. You have overpaid your tax liability by \$375 ((\$2,000 + \$7,500) - (\$6,000 + \$3,125) = \$375). We notify you that you owe a penalty of \$182.50 (\$9,125 x 2% = \$182.50; \$182.50 is less than \$250, therefore you owe \$182.50) because you did not file your return by the due date. We reduce your refund by \$182.50 and issue you a check for \$192.50.

2) If any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of \$250 or



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2% of the tax shown on the return. However, the additional penalty amount may not exceed \$5,000 and is determined without regard to any part of the tax that is paid on the date the return was required to be filed (penalty for late filing or nonfiling) (Section 3-3(a-5) of the Act).

**EXAMPLE:** Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 45 days after our notice and pay the total tax due of \$18,500. You owe a penalty of \$250 ( $2\% \times \$18,500 = \$370$ ; \$370 is greater than \$250, therefore you owe \$250) and interest because you did not file your return by the September 30 due date. You also owe an additional penalty of \$370 ( $2\% \times \$18,500 = \$370$ ; \$370 is greater than \$250 and less than \$5,000, therefore you owe \$370) and interest because you did not respond within 30 days after our notice. Your total penalties for late filing are \$620 ( $\$250 + \$370 = \$620$ ). You will also owe a late payment penalty for not paying your tax by the due date. Interest will continue to accrue on unpaid tax and penalties until you fully pay the total amount you owe.

3) If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the penalty by the late filing of an unprocessable return which is then corrected within 30 days after notice by the Department.

4) In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and no other failure to file has occurred in the two years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-5) shall be abated. This two year "good filing" history abatement is effective for returns due on and after August 18, 1995 (the effective date of P.A. 89-379).

c) Late filing penalty for original returns due on and after January 1, 2001.

1) A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of \$250, reduced by any tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. (Section 3-3(a-10) of the Act)

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**EXAMPLE 1:** Your Form ST-1 is due by April 20, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 20 days after our notice. The tax required to be shown due on your return is \$20,000. You timely paid the full \$20,000 in accelerated tax payments. A penalty of 2% of the tax required to be shown due on the return is applicable for the late filing of your return but no penalty is assessed because after taking into account the tax paid on time your tax liability is zero.

**EXAMPLE 2:** Your Form IL-1040 is due by April 15, but you file it on November 10 (after the extended due date). The tax required to be shown due on your return is \$2,000. Your employer withheld \$1,250 for Illinois Income Tax, and you timely paid us \$150 in estimated tax payments. Tax owed with the return is \$600 ( $\$2,000 - \$1,250 - \$150 = \$600$ ). We notify you that you owe a penalty of \$12 ( $2\% \times \$600 = \$12$ ). \$12 is less than \$250, therefore you owe \$12 because you did not file your return on time.

**EXAMPLE 3:** Your Form IL-1120 is due by March 15, but you file it on December 20 (after the extended due date). The income tax required to be shown due on the return is \$20,000 and the replacement tax required to be shown due on the return is \$12,500. An Enterprise Zone Investment Credit of \$2,000 is claimed against your income tax liability. You have timely paid \$17,000 in estimated payments. Tax owed with the return is \$13,500 ( $\$20,000 + \$12,500 - (\$2,000 + \$17,000) = \$13,500$ ). We notify you that you owe a penalty of \$250 ( $\$13,500 \times 2\% = \$270$ ; \$270 is more than \$250, therefore you owe \$250) because you did not file your return on time.

2) If any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of \$250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed \$5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling) (Section 3-3(a-10) of the Act).

**EXAMPLE:** Your Form ST-1 is due by April 20, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 45 days after

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our notice. The tax shown on your return is \$18,000. You timely paid the full \$18,000 in accelerated tax payments. Although you did not file your return by the due date, no first tier late filing penalty is assessed because after taking into account the tax paid on time your tax liability is zero. You do, however, owe an additional second tier late filing penalty of \$360 (2% of \$18,000 = \$360; \$360 is greater than \$250, therefore you owe \$360) because you did not respond within 30 days after our notice.

3) If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply (Section 3-3(a-10) of the Act). The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension for filing. In other words, a taxpayer may not attempt to avoid the penalty by the late filing of an unprocessable return that is then corrected within 30 days after notice by the Department.

4) In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-10) shall be abated (Section 3-3(a-10) of the Act). This two year "good filing" history abatement is effective for returns due on and after August 18, 1995 (the effective date of P.A. 89-379).

d) For returns due before January 1, 1998, a penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

EXAMPLE 1: Your Form 1120 is due by March 15. You timely file your return on March 15, but you only made your first estimated payment of \$337.50; you were required to make four estimated payments. The total tax shown due on your return is \$1,500. You pay the remaining \$1,162.50 you owe with your return. We notify you that you owe a penalty of \$151.88 (\$1,500 tax x 90% required to be paid timely = \$1,350 to be made in four equal installments. \$1,350 divided by 4 estimated payments = \$337.50 per payment.

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\$337.50 x 3 unpaid quarters = \$1,012.50 estimated tax that was due. \$1,012.50 x 15% penalty = \$151.88 late payment penalty) and interest because you did not pay the required amount due for each estimated payment. If you do not pay the \$151.88 penalty and interest within 30 days after our notice, additional interest will accrue on the penalty.

EXAMPLE 2: Same facts as in Example 1 above except that your return was timely filed between March 16 and October 15 and you paid the remaining \$150 tax you owed with your return. In this situation, your return was timely filed by virtue of the automatic extension for filing, but you owe a late payment penalty on the \$150 paid with the return because that amount of tax was not paid on or before the original due date of the return. There would be an additional penalty as prescribed by UPIA Section 3-3(b)(1) of \$22.50 (\$1,500 - \$1350 = \$150 x 15% = \$22.50) for failure to pay the total tax by March 15.

2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this Section shall be imposed at the expiration of the period provided for the filing of a protest. (Section 3-3(b) of the Act) The 30-day period for providing payment in response to Department notices and final assessments is effective for notices and assessments issued on or after January 1, 1996. Taxpayers must respond to notices and assessments issued prior to January 1, 1996 within 21 days.

EXAMPLE: Your Form ST-1 is due by August 20. You timely file your return but do not pay the \$10,750 tax shown due until September 27. We notify you that you owe a penalty of \$1,612.50 (15% x \$10,750 = \$1,612.50) and interest. If you do not pay the \$1,612.50 penalty and interest within 30 days after the date of our notice, additional interest will accrue on the penalty.

e) For returns due on and after January 1, 1998 and on or before December 31, 2000, a penalty of 20% of the tax shown on the return or the tax



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required to be shown due on the return shall be imposed for failure to pay:

- 1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of the underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as a requirement of subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

EXAMPLE: Your Form IL-1040 is due by April 15, but you file your return on October 15 (by the extended filing date) with tax due of \$1,000. You were required to make timely quarterly estimated income tax payments but you only made your first quarter estimated payment of \$225. You paid the remaining balance you owe of \$775 with the return. We notify you that you owe late payment penalties for late payment of estimated tax and late payment of total tax due by April 15 in the total amount of \$155. The penalty for late payment of estimated tax is calculated as follows: \$1,000 tax x 90% required to be paid timely = \$900 to be made in four equal installments. \$900 divided by 4 = \$225 per quarterly payment. \$225 x 3 unpaid quarters = \$675 estimated paid late. \$675 x 20% penalty = \$135 late payment penalty for failure to pay estimated taxes. The penalty for late payment of total tax due by April 15 is calculated as follows: \$1,000 - \$900 = \$100 tax due with the return and paid late. \$100 x 20% = \$20 late payment penalty for failure to pay tax due by April 15.

- 2) the full amount of the tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this subsection (e)(2) shall be imposed at the expiration of the period provided for the filing of a protest. (Section 3-3(b-5) of the Act)

EXAMPLE: Corporate Taxpayer timely files its IL-1120 for tax year 1997 by the March 15, 1998 due date for calendar year filers. Corporate Taxpayer properly made all estimated tax payments and paid the remainder of its tax liability

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with the return. In 2000, the Department completes an audit of Corporate Taxpayer's 1997 return and an additional liability of \$5,000 is proposed. Corporate Taxpayer agrees to the audit findings but does not pay the additional liability until 60 days after Notice and Demand for payment is issued. A penalty of \$1,000 ( $\$5,000 \times 20\% = \$1,000$ ) is assessed against Corporate Taxpayer for late payment of additional liability.

- f) For returns due on and after January 1, 2001, a penalty shall be imposed for failure to pay:

- 1) the tax shown due on a return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability). The amount of the penalty imposed shall be:
- A) 2% of any amount that is paid no later than 30 days after the due date,
  - B) 5% of any amount that is paid later than 30 days after the due date and not later than 90 days after the due date,
  - C) 10% of any amount that is paid later than 90 days after the due date and not later than 180 days after the due date, and
  - D) 15% of any amount that is paid later than 180 days after the due date.

EXAMPLE 1: Your Form IL-1040 is due by April 15, but you file your return on May 15 (within the extension for time to file) showing total tax due of \$1,000. You were required to make quarterly estimated income tax payments but you only made your first quarter estimated payment of \$225. You paid the remaining balance you owe of \$775 with the return. We notify you that you owe interest on the late tax, plus late payment penalties for late payment of estimated tax and late payment of total tax due by April 15 in the amount of \$92. The penalty for late payment of estimated tax and late payment of tax due with the return is based on the number of days the payment is late. Your second quarter payment was made more than 180 days late, your third quarter payment was made more than 180 days late, and your fourth quarter payment was made more than 90 days but less than 180 days late. Your payment due with your return was paid 30 days late.

The late payment of estimated tax penalty is calculated as follows:  $\$1,000 \text{ tax} \times 90\% \text{ required to be paid timely} = \$900$  to be made in four equal installments.  $\$900 \text{ divided by } 4 = \$225 \text{ per quarterly payment. Second quarter penalty } (\$225$



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$x \ 15\% = \$33.75$ ) + Third quarter penalty ( $\$225 \times 15\% = \$33.75$ ) + Fourth quarter penalty ( $\$225 \times 10\% = \$22.50$ ) =  $\$90$  late payment penalty for failure to pay estimated taxes.

The penalty for late payment of total tax due by April 15 is calculated as follows:  $\$1,000 - \$900 = \$100$  tax due with the return and paid late.  $\$100 \times 2\% = \$2$  late payment penalty for failure to pay tax due by April 15.

EXAMPLE 2: Your Form ST-1 is due on June 20th. You were required to make quarter-monthly accelerated tax payments of the Retailers' Occupation Tax on the 7th, 15th, 22nd, and 31st of May. Each payment should have been \$4,500. You did not make any accelerated payments and instead paid the total tax due when you timely filed your return on June 20th. We notify you that you owe a late payment penalty for failing to make timely accelerated tax payments.

The May 7 and May 15 payments are more than 30 days but less than 90 days late, therefore subject to the 5% penalty. The May 22 and May 31 payments are no more than 30 days late, and therefore subject to the 2% penalty. Your late payment penalty is  $\$630$  ( $(\$4,500 \times 5\% = \$225) + (\$4,500 \times 5\% = \$225) + (\$4,500 \times 2\% = \$90) + (\$4,500 \times 2\% = \$90) = \$630$ ).

- 2) the full amount of any tax required to be shown due on a return and that is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. The amount of penalty imposed shall be 20% of any amount that is not paid within the 30-day period. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty imposed under subsection (b-10)(2) of Section 3-3 of the Act shall be imposed at the expiration of the period provided for the filing of a protest. (Section 3-3(b-10) of the Act)

EXAMPLE: Corporate Taxpayer timely files its IT-1120 for tax year 2000 by the March 15, 2001 due date for calendar year filers. Corporate Taxpayer properly made all estimated tax payments and paid the remainder of its tax liability with the return. In 2003, the Department completes an audit of Corporate Taxpayer's 2000 return and an additional liability of \$5,000 is proposed. Corporate Taxpayer agrees

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to the audit findings but does not pay the additional liability until 60 days after Notice and Demand for payment is issued. A penalty of  $\$1,000$  ( $\$5,000 \times 20\% = \$1,000$ ) is assessed against Corporate Taxpayer for late payment of additional liability.

gd) For purposes of the late payment penalties, the basis of the penalty shall be the tax shown or required to be shown on the return, whichever is applicable, reduced by any part of the tax which is paid on time and by any credit which was properly allowable on the date the return was required to be filed. (Section 3-3(c) of the Act) The amount of the ~~this~~ late payment penalty, unlike some late payment penalties that were imposed prior to the adoption of the Uniform Penalty and Interest Act, does not change over time for returns due on or before December 31, 2000. The late payment penalty is the same whether payment is one day later or one year late. For returns due on and after January 1, 2001, however, the late payment penalty is a graduated penalty that increases as the time period during which the tax liability remains unpaid increases. It is only after the tax liability has remained unpaid for more than 180 days that the late payment penalty caps at 15% and remains at such rate until the tax liability is paid.

he) A penalty shall be applied to the tax required to be shown even if that amount is less than the tax shown on the return. (Section 3-3(d) of the Act)

EXAMPLE: A rentor of automobiles for periods of one year or less, has tax due under the Automobile Renting Occupation and Use Tax for the rental receipts received during the month of June 1994 on July 20, 1994. The tax shown on the return filed on July 20, 1994 is \$500, but the taxpayer remits no payment of the tax when the return is filed. On August 1, 1994 the taxpayer files an amended return reducing tax liability to \$400 and also remits \$400. Assuming that the \$400 amount shown on the amended return is correct, the taxpayer owes a late payment penalty on \$400, the amount required to be shown on the original return, not the \$500 amount that was shown on the original return.

if) If both a subsection (b)(1) or (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty are assessed against the same return, the subsection (b)(2) or (b-5)(2) penalty shall be assessed against only the additional tax found to be due. (Section 3-3(e) of the Act) For returns due on and after January 1, 2001, if a subsection (b-10)(1) penalty and a subsection (b-10)(2) penalty are assessed against the same return, the subsection (b-10)(2) penalty shall be assessed against only the additional tax found to be due. (Section 3-3(e-5) of the Act)

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**EXAMPLE 1:** A withholding tax agent has tax due for the third quarter of 1994. The return is filed timely, with tax withheld of \$20,000, but on time payments only equal \$15,000 leaving a tax balance due of \$5,000. The late payment penalty applicable on November 1, 1994 is \$750. Full payment of tax is made on March 15, 1995. On October 1, 1997, an audit is completed increasing tax to \$30,000. The withholding agent agrees to the audit finding. An additional ~~late payment~~ late payment penalty of ~~\$1,500~~ \$30,000 - ~~minus~~ the original \$20,000 = ~~equals~~ \$10,000 tax due x ~~times~~ 15% ~~equals~~ \$1,500 late payment penalty) will be assessed if the withholding agent does not pay the additional tax liability within 30 days after Notice and Demand for payment of the additional liability. ~~The--total--late-payment-penalty-is \$2,250.~~

**EXAMPLE 2:** Corporate Taxpayer timely files its IL-1120 for the 2000 tax year on March 15, 2001 showing total tax due of \$30,000. Corporate Taxpayer properly made all estimated tax payments but fails to pay the \$3,000 tax balance due with the return. Corporate Taxpayer pays the \$3,000 tax due on June 15, 2001, 90 days after the due date. The penalty for late payment of tax due is \$150 (\$3,000 x 5%). In 2003, the Department completes an audit of Corporate Taxpayer's 2000 return increasing the tax due to \$36,000. Corporate Taxpayer agrees to the audit finding but does not pay the additional liability until 45 days after Notice and Demand is issued. Corporate Taxpayer is assessed an additional late payment penalty of \$1,200 (\$36,000 - \$30,000). Original liability = \$6,000 additional tax due x 20% = \$1,200.

**jg) If the taxpayer has failed to file the return, the Department shall determine the correct tax according to its best judgment and information, which amount shall be prima facie evidence of the correctness of the tax due. (Section 3-3(f) of the Act)**

**kh) The time within which to file a return or pay an amount of tax due without imposition of a penalty does not extend the time within which to file a protest to a notice of tax liability or a notice of deficiency. (Section 3-3(g) of the Act)**

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 700.350 had Check Penalty

*In addition to any other penalty provided in the Act, a penalty of \$25 shall be imposed on any person who issues a check or other draft to the Department that is not honored upon presentation. The penalty imposed under this Section shall be deemed assessed at the time of presentation of the check or other draft and shall be treated for all purposes, including collection and allocation, as part*

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*of the tax or other liability for which the check or other draft represented payment. (Section 3-7.5 of the Act) The bad check penalty is applicable to any payment received in the form of a check, money order, cashier's check or other written order to pay money and that is not honored for any reason by the bank or financial institution upon which it is drawn. The bad check penalty is assessed on a per check basis, therefore, for every check or draft issued to the Department that is not honored when presented to the bank upon which it is drawn a separate \$25 penalty will be assessed against the drawer of the check or draft.*

**EXAMPLE:** Taxpayer's ST-1 is due on April 20. Taxpayer does not file the return until May 1 and pays the tax due of \$2,000 with a check submitted with the return. Taxpayer's check is dishonored. The Department assesses Taxpayer with penalties totaling \$105. The penalties assessed include the following: a late filing penalty of \$40 (\$2,000 x 2% = \$40) for filing the return late, a late payment penalty of \$40 (\$2,000 x 2% = \$40) for failing to pay the tax by the due date, and a bad check penalty of \$25 for making payment to the Department with a bad check.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: REASONABLE CAUSE

## Section 700.400 Reasonable Cause

**a) The penalties imposed under the provisions of Sections 3-3, 3-4, and 3-5, and 3-7.5 of the this Act shall not apply if the taxpayer shows that his failure to file a return or pay tax at the required time was due to reasonable cause. Reasonable cause shall be determined in each situation in accordance with rules and regulations promulgated by the Department. (Section 3-8 of the Act)**

**b) The determination of whether a taxpayer acted with reasonable cause shall be made on a case by case basis taking into account all pertinent facts and circumstances. The most important factor to be considered in making a determination to abate a penalty will be the extent to which the taxpayer made a good faith effort to determine his proper tax liability and to file and pay his proper liability in a timely fashion.**

**c) A taxpayer will be considered to have made a good faith effort to determine and file and pay his proper tax liability if he exercised ordinary business care and prudence in doing so. A determination of whether a taxpayer exercised ordinary business care and prudence is dependent upon the clarity of the law or its interpretation and the taxpayer's experience, knowledge, and education. Accordingly, reliance on the advice of a professional does not necessarily establish that a taxpayer exercised ordinary**



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business care and prudence, nor does reliance on incorrect facts such as an erroneous information return.

- d) The Department will also consider a taxpayer's filing history in determining whether the taxpayer acted in good faith in determining and paying his tax liability. Isolated computational or transcriptional errors will not generally indicate a lack of good faith in the preparation of a taxpayer's return.

- e) Examples of Reasonable Cause. The following non-exclusive list of situations will constitute reasonable cause for purposes of the abatement of penalties:

- 1) Reasonable cause for abatement of penalty will exist if a liability results from amendments made by the Department to regulations or formal administrative policies or positions after the return on which the liability was computed was filed.
- 2) Reasonable cause for abatement may also be based on the death, incapacity or serious illness of the taxpayer (or his tax preparer) or a death or serious illness in his or her immediate family which causes a late filing and payment of tax due. In the case of a corporation, estate, trust, etc., the death, incapacity, or serious illness must have been of an individual having sole authority to file the return (not the individual preparing the return) or make the deposit/payment, or a member of such individual's immediate family.
- 3) An unavoidable absence of a taxpayer (or tax preparer) due to circumstances unforeseeable by a reasonable person may also constitute reasonable cause for purposes of abatement of the penalty. An unavoidable absence does not include a planned absence such as a vacation. In the case of a corporation, estate, trust, etc., the absence must have been of an individual having sole authority to file the return (not the individual preparing the return) or make the deposit/payment.
- 4) Inability to timely obtain records necessary to determine the amount of tax due to reasons beyond the taxpayer's control. For example, some taxpayers, particularly those with income from banks, partnerships, trusts, estates or Subchapter S corporations, must secure information from those entities in order to properly compute the amount of tax due.
- 54) Factors beyond taxpayer's control such as destruction by fire, other casualty or civil disturbance, of the taxpayer residence or place of business records.
- 65) Taxpayer mailed the return or payment to the Department in time to reach the Department on or before the due date, given the normal handling of the mail. However, through no fault of the taxpayer, the return or payment was not delivered within the prescribed time period. This fact situation would constitute reasonable cause for abatement of the penalty.
- 76) Reasonable cause will exist for purposes of abatement of

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the penalty if a taxpayer makes an honest mistake, such as inadvertently mailing a Department of Revenue check to a local government, another state's Department of Revenue, or to the Internal Revenue Service.

- 87) An Illinois appellate court decision, a U.S. appellate court decision, or an appellate court decision from another state (provided that the appellate court case in the other state is based upon substantially similar statutory or regulatory law) which supports the taxpayer's position will ordinarily provide a basis for a reasonable cause determination.

- 9) The Department gave erroneous information, or delayed a process under its control. In making such a determination the Department will consider:

- A) Did the taxpayer provide accurate information upon which to base the tax?
- B) Was the information requested by the taxpayer easily available in instructions or bulletins?
- C) Did the taxpayer rely on the advice?
- D) Did an employee who was acting in an official capacity and was authorized to provide assistance provide the advice?
- E) Was the taxpayer's reliance upon the advice reasonable?
- 10) Taxes withheld by an employer for the wrong state. A taxpayer may not realize that withholding taxes are being withheld and remitted to the wrong state until the end of the taxable year when he or she receives a W-2. The taxpayer will be required to produce all documentation necessary to demonstrate that he or she had a reasonable belief that taxes were being withheld for the proper state.
- 11) Embezzlement or employee fraud not reasonably within the knowledge of the taxpayer.
- 12) The following occurrences are situations involving reasonable cause with respect to the imposition of the Tier 2 late filing penalty:
  - A) Taxpayer demonstrates that he or she did not receive the penalty notice. If the taxpayer can show that he or she filed a change of address card, tax return, payment or letter with the Department and the Department still sent the notice to the wrong address, penalty abatement may be warranted.
  - B) Taxpayer was on active duty in the military. Taxpayers serving in the military may find themselves in situations where it takes an extraordinary length of time to receive and respond to a notice.
  - f) Relevant factors used by the Department in determining the existence of reasonable cause.
    - 1) Could the taxpayer's federal filing status have caused confusion about his or her Illinois filing requirements? Under Illinois law, many taxpayers that are not required to file with the



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Internal Revenue Service are required to file with the Department.

- 2) Does the taxpayer's reason address the penalty assessed? For example, if a taxpayer was assessed both a late filing and late payment penalty for the same return, the taxpayer's explanation of the failure to file and pay may apply to one penalty, but not the other.
- 3) Does the length of time between the reason cited and the actual violation support abatement? If the taxpayer cites a specific event or set of events (e.g., illness, unexpected absence, or natural disaster) or set of events that led to the imposition of the penalty, the Department will determine whether those events are directly related to the return or payment under review.
- 4) Could the event cited have been reasonably anticipated? Was the event one that should have been anticipated (e.g., a vacation or scheduled absence) or was it unexpected, unavoidable, or otherwise unplanned (e.g., an emergency or disaster).
- 5) Was ordinary business care and prudence exercised? In the absence of new or unusual circumstances, most filing and payment requirements are common knowledge or are readily available to most taxpayers. If the taxpayer did all that could be reasonably expected of him or her and was still unable to file or pay on time, reasonable cause may be present.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:  
110.90 Amended
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10/1]
- 5) Effective Date of Amendments: November 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: August 4, 2000; 24 Ill. Reg. 11417
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Galesburg Laboratory has added PCR testing for clostridium perfringens and for PRRS. Fees are being established for these new testing procedures.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

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The full text of adopted amendments begins on the next page:

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## PART 110

## ANIMAL DISEASE LABORATORIES ACT

Section	Definitions
110.10	Submitting Specimens
110.20	Payment For Laboratory Services
110.30	Tests Not Covered By Fee Schedule
110.40	Minimum Fees
110.50	Euthanasia Fees
110.60	Clinical Pathology Fees
110.70	Histopathology Fees
110.80	Microbiology Fees
110.90	Parasitology Fees
110.100	Toxicology Fees
110.110	Miscellaneous Fees
110.120	Meats Chemistry Fees
110.130	Liquor Control Commission Fees
110.140	

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606, effective January 1, 2001.

## Section 110.90 Microbiology Fees

The following are the fees for microbiology:

- a) Bacteriology, Mycoplasma and Fungi

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1)	Aerobic or anaerobic culture without sensitivity testing.....	10.00 C, G
2)	Aerobic culture with sensitivity testing.....	15.00 C, G
3)	Clostridium perfringens serotyping.....	5.00 G
4)	Milk samples for mastitis evaluation (1-4 specimens).....	15.00 C, G
	(additional specimens, each at).....	2.00 C, G
	Wisconsin mastitis test	
	1-10 specimens, each.....	2.00 C
5)	(additional specimens, each at).....	1.00 C
	Leptospirosis--6 serotypes	
	Microtiter test-per specimen.....	2.00 C, G
6)	Canine brucellosis--per specimen.....	5.00 C, G, S
7)	Fluorescent Antibody Test (FA).....	10.00 C, G
8)	Escherichia coli serotyping.....	3.00 C
9)	Campylobacter (culture).....	6.00 C, G
10)	Salmonella isolation using enrichment media.....	6.00 C, G
11)	Hemophilus (culture).....	3.00 C, G
12)	Nasal Swabs--Bordetella.....	2.00 C, G
13)	Listeria (culture).....	6.00 C, G
14)	Haemophilus equigenitalis (CEM).....	4.00 C, G
15)	Spirochetes (swine dysentery--Treponema sp.).....	3.00 C, G
16)	John's Bacillus (first specimen).....	7.00 C, G
	(each additional specimen).....	4.00 C, G
17)	Prepare and Supply Transport Media (per tube).....	1.00 C, C
18)	Return culture for bacterin production per organism.....	2.00 C, G
19)	Mycology Testing Culture.....	6.00 C, G
20)	Microscopic examination.....	3.00 C
21)	Mycoplasma Testing Culture.....	10.00 C, G
22)	E. Coli or Metritis (1-4 specimens).....	15.00 C, G
	(each additional specimen).....	2.00 C, G
23)	Trichomonas transport media.....	4.00 C, G
24)	PCR testing clostridium perfringens.....	15.00 G
b) Virology		
1)	Electron Microscopy--fecal.....	15.00 G
2)	Pseudorabies Serology (positive or negative).....no charge C, G	
	Pseudorabies Serology Out-of-State.....	3.00 C, G
	Pseudorabies Serology (positive or negative) and end titer.....	3.00 C, G
	Pseudorabies Serology (request for screen at dilution of 1:2).....	3.00 C, G
3)	Pseudorabies Latex Agglutination.....	3.00 C, G
4)	Fluorescent Antibody Test (each disease).....	10.00 C, G
5)	Rabies.....	5.00 C, G
	Virus Isolation in Cell Culture (1 specimen).....	15.00 C, G
	Each additional specimen.....	10.00 C, G

6)	Viral Serology (each disease) (1-5 specimens, each).....	3.00 C, G
7)	Feline Leukemia Virus.....	1.00 C, G
8)	Feline Infectious Peritonitis (F.I.P.).....	10.00 C
9)	Canine parvo-virus (ELISA) fecal.....	5.00 C
10)	Canine parvo-virus serum.....	5.00 C, G
11)	Canine distemper on serum.....	5.00 C
12)	Rota-virus on fecal.....	10.00 C
13)	Semen testing (export).....	10.00 C
14)	Swine enterovirus (8 serotypes).....	12.00 C
15)	FELV--FELT.....	15.00 C
16)	Porcine fetal fluid IgG.....	3.00 G
17)	Feline lentivirus (FELT).....	10.00 C
18)	Encephalomyocarditis (1-5 specimens, each).....	3.00 C, G
	(Each additional specimen).....	1.00 C, G
19)	PRRS (screening 1:20).....	2.00 G
	PRRS end titer.....	4.00 C, G
	PCR/PRRS.....	10.00 G
c)	Chlamydia Isolation in Cell Culture.....	15.00 C, G
d)	Miscellaneous serology	
1)	Toxoplasmosis (first sample).....	5.00 C
	(Each additional sample).....	2.50 C
2)	EIA-AGID.....	2.50 S
	EIA-CELISA.....	10.00 S
3)	Mare Immunological Pregnancy Test (35-60 days post-service).....	15.00 C
4)	Aleutian Disease-Mink (immunoelectrophoresis).....	.20 S
5)	Out-of-State brucellosis serology.....	.50 C, G, S
6)	Brucellosis testing other than bovine, porcine and canine.....	.50 C, G, S
7)	Bluetongue (1-5 specimens, each).....	3.00 C
	(Each additional specimen).....	2.00 C
	(Each additional specimen).....	1.00 C, S
8)	Bovine leukemia virus leukosis (BLV-AGID) (1-5 specimens, each).....	3.00 C, S
	(Each additional specimen).....	1.00 C, S
9)	Vesicular stomatitis (1-5 samples each).....	3.00 C
	(Each additional sample).....	2.00 C
10)	Complement Fixation Serology (1-5 specimens, each).....	3.00 C
	(Each additional specimen).....	1.00 C
	Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.	
11)	John's ELISA 1-10 specimens, each.....	10.00 C
	11 or more specimens, each.....	5.00 C



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- 12) Actinobacillus pleuropneumoniae per serotype..... 1.00 G  
 13) Mycoplasma hyopneumoniae..... 3.00 G  
 14) Caprine Arthritis Encephalitis (CAE).....  
     first specimen..... 3.00 C, G  
     each additional specimen..... 1.00 C, G  
 15) Bovine leukemia virus ELISA (1-5 specimens, each).... 5.00 C  
     each additional specimen..... 3.00 C

(Source: Amended at 24 Ill. Reg. 16606, effective  
 4/1/2000)

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- 1) Heading of the Part: Diseased Animals  
 2) Code Citation: 8 Ill. Adm. Code 85  
 3) Section Numbers: Adopted Action:  
     85.80 Amended  
     85.135 Amended  
     85.140 New Section  
 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]  
 5) Effective Date of Amendments: November 1, 2000  
 6) Does this rulemaking contain an automatic repeal date? No  
 7) Does this amendment contain incorporations by reference? No  
 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.  
 9) Notices of Proposal Published in Illinois Register: August 4, 2000; 24 Ill. Reg. 11423  
 10) Has JCAR issued a Statement of Objection to this amendment? No  
 11) Differences between proposal and final version: None  
 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
 No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: Goats entering Illinois will be required to be accompanied by a health certificate. Goats exhibiting lesions of contagious ecthyma or club lamb fungus will not be permitted to be exhibited in Illinois.

Veterinarians will be able to use the cow-side test for Johne's disease if they obtain approval from the Department. Approval will be granted when the veterinarian received training on the test from the Department.

A Voluntary Paratuberculosis (Johne's disease) Risk Management Program will be offered to herd owners that have herds under restriction due to a positive culture test for Johne's disease. The program is designed to

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help the herd owner manage the risk of the disease in his or her herd.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

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PART 85  
DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall Be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's disease) Certification Program
85.140	Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program

**AUTHORITY:** Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine

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Infectious Anemia Control Act [510 ILCS 65].

**SOURCE:** Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. ~~16612~~, effective <sup>NOV 01 2000</sup> ~~16612~~.

## Section 85.80 Sheep and Goats

- a) All sheep and goats entering Illinois for breeding, exhibition or feeding purposes, except for sheep or goats consigned directly to a livestock auction market, shall be accompanied by an official health certificate. The health certificate shall indicate the sheep or goats were examined within 60 days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed thereto.
- b) Any sheep or goats which show lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.

(Source: Amended at 24 Ill. Reg. ~~16612~~, effective <sup>NOV 01 2000</sup> ~~16612~~.)

## Section 85.135 Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johnes disease) Certification Program

- a) The following definitions shall be applicable to this Section:

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- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its using USDA approved methods).
- 2) "Animal" means cattle, bison, buffalo, sheep, goats, llamas, or members of the cervid family.
- 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the United States Department of Agriculture for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the voluntary Johnes Disease Certification Program.
- 4) "Herd or flock" means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd or flock owner or manager. Each separate species of animal shall be considered as a separate herd or flock.
- 5) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
- 6) "M. avium paratuberculosis-Detection Test" or "organism detection test" means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program. Any test approved by the U.S. Department of Agriculture for *M. avium* paratuberculosis organism detection (i.e., fecal culture test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program (October 1998), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the U.S. Department of Agriculture



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for serum antibody detection (i.e., ELISA for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the certification program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
  - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
  - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
  - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of an approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Voluntary Johne's Disease Herd Status Program (October 1998) that was developed by the National Johne's Working Group and the Johne's Committee of the U.S. Animal Health Association and approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.
- d) Criteria for certifying bison, buffalo, sheep, goats, llamas or members of the cervid family herds or flocks under the Illinois Voluntary Johne's Disease Herd or Flock Certification Program.
- 1) The following certification levels will be awarded compliance with certification requirements:
    - Level 1 - herd or flock tested negative after one sampling.
    - Level 2 - herd or flock tested negative after two samplings.
    - Level 3 - herd or flock tested negative after three samplings.
    - Level 4 - herd or flock tested negative after four samplings.
    - Level 5 - herd or flock tested negative after five samplings.
    - Level 5 Monitored - herd or flock tested negative after six or more samplings.
  - 2) Certification requirements:
    - A) For annual certification, all animals 24 months of age and

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- older must be tested.
- B) Certified herds or flocks must be tested every 12 months (+/- 2 months).
- C) All tests must be performed at an accredited laboratory.
- D) An organism detection test for M. avium paratuberculosis (i.e., fecal culture) must be conducted.
- E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
- F) The owner must certify on an agreement form prescribed by the Department:
- i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds or flocks enrolled in a M. avium paratuberculosis program and are at the same or higher level than the herd or flock. Animals purchased from herds or flocks participating in M. avium paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.
  - ii) At each test date, all animals in the herd or flock 24 months of age or older were sampled and included in the herd or flock test.
  - iii) At each test date, a list identifying all animals previously tested but no longer in the herd or flock must be provided to the Department.
  - iv) At each test date, all animals added to the herd or flock since the last herd or flock test were natural additions to (born into) the herd or flock, purchased from participating herds or flocks, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).
  - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd or flock tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's or flock's status.
- 4) Handling of animals exhibiting clinical signs:
- A) All animals exhibiting clinical signs of M. avium paratuberculosis must be tested and isolated from the herd or flock pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.
  - B) A negative result on the M. avium paratuberculosis detection

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test will allow the herd or flock to move to the next certification level.

- 5) Suspension or revocation of herd or flock certification:
  - A) Identification of a positive animal using the organism detection test during the certification herd or flock test will result in the loss of certification status. The next negative test will qualify the herd or flock for Level 1 certification.
  - If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's or flock's certification will be suspended pending a confirmatory organism detection test of that animal.
  - B) Herds or flocks not tested within 14 months after the last sampling will lose their certification status. The next negative herd or flock test will qualify the herd or flock for Level 1 certification.
- 6) Herd or Flock Additions. Animals purchased from another herd or flock participating in a M. avium paratuberculosis certification program may enter the herd or flock without further testing, and will be tested along with the herd or flock at the next annual test. Animals originating from herds or flocks that are not participating in an M. avium paratuberculosis certification program must be isolated from the other members of the herd or flock until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd or flock, and there can be no chance of fecal contamination from the animal.
- 7) Protocol if an animal sold from a certified herd or flock is identified as positive:
  - A) If an animal sold from a certified negative herd or flock is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd or flock may, within 120 days of being notified, be required to conduct a herd or flock retest of all eligible animals. Determination of retesting of the herd or flock will be made by the Director based upon, but not limited to, the level of certification of the herd or flock, the last negative organism detection test of the herd or flock and the status of the other animals in the purchasing herd or flock, if known.
  - B) The selling certified herd or flock will maintain its present certification status pending the results of the herd or flock test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.
  - C) If the herd or flock retest is negative, the herd will

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maintain its "present" certification status. The herd or flock owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd or flock test is not due until 12 months after the retest.

- D) If a positive animal is identified on this retest, the selling herd or flock will lose its certification status. The next negative herd or flock test will qualify the herd or flock for Level 1 certification.

(Source: Amended at 24 Ill. Reg. 18012, effective 11/1/2000)

# Section 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program

- a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture or the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Animal" means cattle, bison or buffalo.

"Herd" shall mean all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

"M. avium paratuberculosis-detection test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in fecal samples. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program. Any test approved by the United States Department of Agriculture for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.



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"Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program (October 1998), as recommended and approved by the U.S. Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the United States Department of Agriculture for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

b) Criteria for herds qualified to enter into the risk management program:

- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
- 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified or risk managed herds only.
- 3) A herd assembled with animals originating directly from risk managed herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired.
- 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of an approved, permanent, unique, legible identification, including registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

c) Criteria for enrolling cattle, buffalo or bison herds under the Illinois Voluntary Johne's Disease Risk Management Program:

- 1) The following certification levels will be awarded compliance with certification requirements:
  - A) Level A 30 head or the whole herd has been tested with no positives disclosed.
  - B) Level B the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
  - C) Level C the whole herd has been tested with 5% to 14.99% of the animals testing positive.
  - D) Level D the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
  - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
  - F) A level achievement year representing when the herd reached the status level will be added to the status designation

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(e.g., Level A since 1999).

2) Certification requirements:

- A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time.
  - B) Either a fecal culture or ELISA test may be used for certification.
  - C) Whole herd tests are conducted on all second and higher lactation animals and bulls two years of age and older.
  - D) Tests on 30 animals must be a random sampling of second and higher lactation animals and bulls two years of age and older. The same animals should not be tested in consecutive testing years.
  - E) All tests must be performed at an accredited laboratory.
  - F) Fecal and blood collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- d) Additions to the herd. Animals purchased from another herd participating in an *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are participating in Johne's disease risk management program and are of the same level as the purchasing herd can be added to the herd without further testing and be tested on the next annual test. If the purchased additions originate from herds that are of a lower risk management level or are from a herd that has not been tested, the purchasing herd will assume the level of the purchased additions or will lose its herd status.

(Source: Added at 24 Ill. Reg. 16612, effective November 1, 2000)



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- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Section Numbers: Adopted Action:  
 80.15 Amended  
 80.140 Amended  
 80.150 New Section  
 80.160 New Section  
 80.170 New Section

- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35/1]

- 5) Effective Date of Amendments: November 1, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notices of Proposal Published in Illinois Register: August 4, 2000; 24 Ill. Reg. 11434

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A

- 13) Will this amendment replace an emergency amendment currently in effect?  
 Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: Illinois' livestock industry is threatened by a severe outbreak of bovine tuberculosis in Michigan. The disease is continuing to spread throughout the state, and the Illinois Department of Agriculture is taking measures to prevent the spread of the disease into Illinois. Illinois began its TB eradication in 1917 and was declared free of this disease in 1986. To reintroduce this disease back into Illinois would be devastating to the livestock industry and would put

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public health at risk. This form of tuberculosis can be transmitted to cattle, bison, cervidae, goats, humans and companion animals.

The United States Department of Agriculture published a new Uniform Methods and Rules for Bovine Tuberculosis Eradication, effective January 22, 1999. The Uniform Methods and Rules for Tuberculosis Eradication in Cervidae was combined with the UM & R for Bovine Tuberculosis Eradication. Testing requirements for cattle, bison, goats and cervids are either being added or strengthened for animals entering Illinois from non-accredited tuberculosis-free areas. Similar measures are being adopted by other states to prevent the spread of the disease.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
 Illinois Department of Agriculture  
 State Fairgrounds  
 Springfield IL 62794-9281  
 Telephone: 217/785-5713  
 Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTSamended at 24 Ill. Reg. 16623, effective NOV 11 2000.

## Section 80.5 Definitions/Incorporations by Reference

"Accredited Tuberculosis Free State" means any state recognized as an Accredited Tuberculosis Free State as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules.

"Bovine Tuberculosis Eradication Uniform Methods and Rules" (January 22, 1999 June-1997) refers to the document approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

"Uniform Methods and Rules for Tuberculosis Eradication in Cervidae" (effective July 15, 1994 and including 1996 amendments and Federal Register, Vol. 63, No. 35, February 23, 1998, pages 8837-8840) refers to the document as approved by the United States Animal Health Association (P.O. Box #327, Suite 114, 1618 Forest Avenue, Richmond, Virginia 23228) and/or the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

(Source: Amended at 24 Ill. Reg. 16623, effective NOV 11 2000)

## Section 80.110 Breeding Cattle Dairy or Beef Cattle, Bison or Steers

All breeding cattle dairy or beef cattle or steers entering or being exhibited in the State of Illinois from Accredited Tuberculosis Free States shall be accompanied by an official certificate of health issued by an accredited veterinarian. No tuberculin test is required for breeding cattle originating from Accredited Tuberculosis Free States. Breeding cattle cattle entering or being exhibited in Illinois from a state that is not Tuberculosis Accredited Free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

a) Cattle are individually originated from an accredited tuberculosis free herd; Accredited herd number and date of test; test shall be recorded on the certificate and the cattle shall be identified by ear tag number, tattoo number or registration name and number;

b) Cattle originated from a herd where a complete negative herd test was conducted within the past year and the individual animals entering Illinois originating out of state were negative to two a tuberculin tests test conducted within 180 and 30 60 days prior to entry or exhibition; or

c) If Illinois is not an Accredited Tuberculosis Free State, breeding

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## PART 80

## ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

## Section

- 80.5 Definitions/Incorporations by Reference  
80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds  
80.20 When Indemnity Will Be Paid on Tests  
80.30 Herds Quarantined Because of Suspected Tuberculosis Infection  
80.40 Identification Tags Not To Be Removed  
80.50 Infected Herd Depopulation (Repealed)  
80.60 Cattle for Immediate Slaughter (Repealed)  
80.70 Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States  
80.80 Female Cattle--Beef Breeds--18 Months and Over from Non-Accredited Tuberculosis Free Areas  
80.90 Sale of Quarantined Feeding or Grazing Cattle (Repealed)  
80.100 Release of Feeding or Grazing Cattle from Quarantine (Repealed)  
80.110 Breeding Cattle Dairy or Beef Cattle, Bison or Steers  
80.120 Tuberculin Tests  
80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds  
80.140 Cervidae  
80.150 Goats  
80.160 Testing Requirements for Cattle from Non-Accredited Free Areas  
80.170 Bison

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days;

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cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to entry or exhibition.

~~Accredited-Tuberculosis-Free-State-status--is--not--recognized--for--bison--but individual-herd-status-for-bison-is-recognized.~~

(Source: Amended Nov 11 2000 at 24 Ill. Reg. 16623, effective Nov 11 2000)

## Section 80.140 Cervidae

a) All cervidae entering Illinois shall comply with the following:

1) For animals originating from:

A) Accredited Bovine Tuberculosis-Free Areas, be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd:

i) ~~A~~ Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.

ii) ~~B~~ Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.

B) Non-Accredited Bovine Tuberculosis-Free Areas, originate from a herd where a complete herd test has been conducted within the past year and all animals found negative to a single cervical test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, and the individual animals entering Illinois were negative to two single cervical tests conducted within 180 and 30 days prior to entry.

e) Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.

2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.

3) Be individually identified by an approved eartag, microchip or tattoo.

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4) Be accompanied by a permit obtained from the Department as follows:

A) Applicant for permit shall furnish the following information to the Department:

i) Name and post office mailing address of Illinois destination;  
ii) Name and post office mailing address of consignor;  
iii) Number of cervidae in shipment.

B) Grounds for refusal to issue permit are:

i) Violation of the Act or any rule of this Part;  
ii) Presence of a disease which might endanger the Illinois livestock industry;  
iii) Refusal to provide required information for the permit.

C) Permits will be issued by telephoning or writing the Department.

b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Bovine Tuberculosis Bradication in--Cervidae.

c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

(Source: Amended Nov 11 2000 at 24 Ill. Reg. 16623, effective Nov 11 2000)

## Section 80.150 Goats

Goats entering Illinois for any reason, including exhibition, from states that are not Accredited Bovine Tuberculosis Free must be accompanied by a health certificate indicating that the animals originated from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals entering Illinois are negative to a tuberculin test conducted within 30 days prior to entry.

(Source: Added at 24 Ill. Reg. 16623, effective Nov 11 2000)

## Section 80.160 Testing Requirements for Cattle from Non-Accredited Free Areas

Cattle originating from Non-Accredited Free areas must meet the following testing requirements prior to entry into Illinois:

a) Cattle entering Illinois for breeding purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.

b) Cattle entering Illinois for feeding or grazing purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must



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have had an individual test within 30 days prior to entry.

- c) Cattle entering Illinois for exhibition must originate from a herd where a complete negative herd test has been conducted within the past year, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.

(Source: Added at 24 Ill. Reg. 16023, effective 1/1/2000)

**Section 80.170 Bison**

Accredited free state status is not recognized for bison entering Illinois. Bison entering Illinois for any reason, including exhibition, must:

- Originate from an accredited tuberculosis-free herd, and the individual animal entering Illinois must have had an individual test within 30 days prior to entry; or
- Originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animal must have had two negative tests within 180 and 30 days prior to entry.

(Source: Added at 24 Ill. Reg. 16023, effective 1/1/2000)

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- 1) Heading of the Part: Illinois Pseudorabies Control Act

- 2) Code Citation: 8 Ill. Adm. Code 115

- 3) Section Numbers: Adopted Action:  
115.80 Amended  
115.100 Amended  
115.110 Amended

- 4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

- 5) Effective Date of Amendments: November 1, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notices of Proposal Published in Illinois Register: August 4, 2000; 24 Ill. Reg. 11441

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A

- 13) Will this amendment replace an emergency amendment currently in effect?  
Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: Illinois' swine industry is threatened by the reintroduction of the disease pseudorabies. Illinois has been free of the disease since May 1999 and received Stage IV designation under the Program Standards for Pseudorabies Eradication on October 1, 1999. In February 2000, four Illinois herds broke with pseudorabies. One herd in Ogle County was infected as a result of importing infected breeding swine from Iowa. Two additional herds in Henry and Whiteside Counties are suspected as becoming infected through indirect contact with Iowa swine.

Iowa has over 600 herds infected with pseudorabies. The Department is taking these emergency measures to protect the Illinois swine industry by strengthening the import testing requirements for swine from Stage I/II

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states (Iowa is the only state in the country with this category).

Restrictions are also being placed on Illinois exhibition animals exhibiting out of state. Although the threat of exposure at exhibition is minimal, the risk of infection does exist.

16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

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## PART 115

ILLINOIS PSEUDORABIES CONTROL ACT

Section	Definitions	Incorporation by Reference	Pseudorabies Quarantines	General Requirements for Gene-Altered Vaccinated	Qualified Pseudorabies Negative, Negative Pseudorabies Monitored Herds	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds	Requirements for Establishing and Maintaining Pseudorabies	Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds	Requirements for Establishing and Maintaining Feeder Swine	Pseudorabies Monitored Herds (Repealed)	Pseudorabies Test Requirements for Intrastate Movement	Pseudorabies Testing of Feeder Swine	Feeder Swine	Breeding Animals Consigned to Slaughter	Swine Intended for Slaughter; Permit	Use of Vaccine
	115.10	115.15	115.20	115.30	115.40	115.50	115.60	115.70	115.80	115.90	115.100	115.110	115.120			

**AUTHORITY:** Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 5085, effective January 19, 1990; amended at 14 Ill. Reg. 5085, effective March 21, 1990; amended at 14 Ill. Reg. 55318, effective September 10, 1990; amended at 14 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective January 7, 1997; amended at 21 Ill. Reg. 17079, effective January 1, 1998; amended at 23 Ill. Reg. 434, effective January 1, 1999; amended at 24 Ill. Reg. 1012, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8620, effective June 15, 2000, for a maximum of 350 days; amended at 24 Ill. Reg. 16630, effective January 1, 2000.

## Section 115.80 Pseudorabies Testing of Feeder Swine

Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within

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Illinois without further testing requirements for pseudorabies if:

- a) The swine are from a qualified pseudorabies negative herd<sup>17</sup> or a QNV herd, where the last monitoring test has been conducted within 15 days, from Stage I and II states<sup>17</sup> or a herd where a 95/10 test of the breeding herd, or, if the breeding herd is not on the same premises, of the feeder swine on the premises, was conducted within 15 30 days prior to shipment into Illinois or 30 days for movement within Illinois; or
- b) The swine originate from a state that has been classified as Stage IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 24 Ill. Reg. 16630, effective NOV 1 1 2000)

**Section 115.100 Breeding Animals Consigned to Slaughter**

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 2000 1998). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 24 Ill. Reg. 16630, effective NOV 1 1 2000)

**Section 115.110 Swine Intended for Slaughter; Permit**

Animals consigned to slaughter from Stage I or II states or from non-infected infected or unexposed exposed herds may be shipped into Illinois only upon permit from the Department and shall go directly to a recognized slaughter establishment or approved slaughter market. Animals from infected or exposed herds may be shipped into Illinois only upon permit from the Department and shall move, directly to a recognized slaughter establishment. The vehicles transporting infected or exposed swine are not allowed to pick up additional animals in Illinois until the official seal has been officially broken at the slaughter facility and the infected swine unloaded. Permits to import slaughter swine from Stage I or II states or infected or exposed herds shall be issued by telephoning or writing the Department.

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- a) The applicant for the permit shall furnish the following information to the Department:

- 1) Name and complete mailing address of Illinois destination;
- 2) Name and address of consignor; and
- 3) Number of swine in shipment.

- b) Grounds for refusal to issue a permit are:

- 1) Violation of the Act or this Part; and
- 2) Presence of a disease that might endanger the Illinois swine industry.

- a) The applicant for the permit shall furnish the following information to the Department:

- 1) Name and complete mailing address of Illinois destination;
- 2) Name and address of consignor;
- 3) Number of swine in shipment.

- b) Grounds for refusal to issue a permit are:

- 1) Violation of the Act or any rule of this Part;
- 2) Presence of a disease that might endanger the Illinois swine industry;

Swine originating from any quarantined herd must be shipped in a sealed vehicle and accompanied by a shipping permit VS Form 1-27.

(Source: Amended at 24 Ill. Reg. 16630, effective NOV 1 1 2000)



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- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers: Adopted Action:  
105.5 Amended  
105.7 Amended  
105.10 Amended  
105.30 Amended  
105.110 New Section  
105.120 New Section  
105.130 New Section
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 101], Illinois Pseudorabies Control Act [510 ILCS 90] and Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) Effective Date of Amendments: November 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: August 4, 2000; 24 Ill. Reg. 11446
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Illinois' swine industry is threatened by the reintroduction of the disease pseudorabies. Illinois had been free of the disease since May 1999 and received Stage IV designation under the Program Standards for Pseudorabies Eradication on October 1, 1999. In February 2000, four Illinois herds broke with pseudorabies. One herd in Ogle County was infected as a result of importing infected breeding swine

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from Iowa. Two additional herds in Henry and Whiteside Counties are suspected as becoming infected through indirect contact with Iowa swine.

Iowa has over 600 herds infected with pseudorabies. The Department is taking these emergency measures to protect the Illinois swine industry by strengthening the import testing requirements for swine from Stage I/II states (Iowa is the only state in this country with this category). Restrictions are also being placed on Illinois exhibition animals exhibiting out of state. Although the threat of exposure at exhibition is minimal, the risk of infection does exist. The swine industry in Illinois has requested a program for monitoring porcine reproductive and respiratory disease (PRRS). The Department has proposed a program that will recognize the amount of PRRS monitoring in the herd.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/785-5713  
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER 1: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 105

## SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales
105.110	Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales
105.120	Illinois Exhibition Swine
105.130	Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

**AUTHORITY:** Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

**SOURCE:** Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9

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Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8625, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16635, effective April 11, 2000.

## Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act [510 ILCS 100].

"Feral swine" mean swine that have lived any part of their lives free roaming. Swine may lose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Official random-sample test" (95/5) means a sampling procedure utilizing official pseudorabies serologic tests that provides a 95% probability of detecting infection in a herd in which at least 5% of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 45

100-200 head - test 51

201-999 head - test 57

1000 and over - test 59

"Official random-sample test" (95/10) means a sampling procedure utilizing official pseudorabies serologic tests that provides a 95% probability of detecting infection in a herd in which at least 10% of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and

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sampled as follows:

Less than 100 head - test 25  
 100-200 head - test 27  
 201-999 head - test 28  
 1000 and over - test 29

"Pig shows/sales" means events where feeder swine are commingled and sold with the intent of the swine being used for exhibition purposes.

"Site tattoo" means a permanent mark applied in the right ear or a slap tattoo on the right shoulder showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 24 Ill. Reg. 16035, effective NOV. 1 2000)

## Section 105.7 Incorporation by Reference

The Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 2000 1999) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the Swine Brucellosis Eradication Uniform Methods and Rules (April 1998; as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) are incorporated by reference in this Part and do not include any later amendments or editions beyond the date specified.

(Source: Amended at 24 Ill. Reg. 16035, effective NOV. 1 2000)

## Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.

- b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
- 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
- 4) Show that the feeder swine are not from a quarantined herd and/or

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area;

- 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
- 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

## c) Permits:

- 1) Permits to import feeder swine shall only be issued to:

- A) An Illinois licensed feeder swine dealer; and
- B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.

- 2) Applicant for permit shall furnish the following information to the Department:

- A) Name and complete mailing address of Illinois destination.
- B) Name and address of consignor.
- C) Number of swine in shipment.
- D) Pseudorabies vaccination status of swine.

- 3) Grounds for refusal to issue a permit are:

- A) Violation of the Act or any rule of this Part.
- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
- C) Presence of a disease which might endanger the Illinois swine industry.

- d) Imported isowean or feeder swine from Stage I or II states shall be quarantined to the Illinois premises until a 95/10 random sample test has been performed on the imported animals 21 to 60 days post-importation.

(Source: Amended at 24 Ill. Reg. 16035, effective NOV. 1 2000)

## Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, or of breeding age returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
  - 1) Be issued by an accredited veterinarian of the state of origin or



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- by a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of the state of origin;
  - 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
  - 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
  - 5) Show that the swine are not from a quarantined herd and/or area;
  - 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules; and
  - 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 15 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd where at least half of the last monitoring test has been conducted within 15 days (testing half of the required monthly number of swine every 15 days is acceptable - Stage I or II states only; monthly or quarterly testing is acceptable in Stage III states), with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of swine, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

- c) Permits:
- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
  - 2) Applicant for permit shall furnish the following information to the Department:  
Name and complete mailing address of Illinois destination;  
Name and address of consignor;  
Number of swine in shipment; and  
Pseudorabies vaccination status of swine.
  - 3) Grounds for refusal to issue a permit are:  
A) Violation of the Act or any rule of this Part; and  
B) Presence of a disease which might endanger the Illinois

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- swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

(Source: Amended at 24 Ill. Reg. 18035, effective 06/11/2004)

Section 105.110 Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales

Swine of any age entering Illinois for exhibition purposes other than through show/pig sales must comply with the following:

- a) Exhibition swine may enter Illinois provided they are identified by an ear tag, tattoo or recognized breed ear notch, and accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
  - 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
  - 2) Be approved by the Animal Health Official of state of origin;
  - 3) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
  - 4) Show that the exhibition swine are not from a quarantined herd and/or area;
  - 5) Show that the swine originated from a Stage III, IV or V state and are negative to an official test for pseudorabies conducted within the 30 days prior to entry; or that the swine originated from a qualified pseudorabies negative herd in a Stage III, IV or V state, and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate; or that the swine originated from a Stage I or II

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state and are negative to an official test for pseudorabies conducted within the 10 days prior to entry; and

6) Show breeding swine, four months of age and over, to be negative to an official test for brucellosis within 30 days prior to exhibition; or that the swine originated from a validated brucellosis-free herd with the herd number and date of last validation test listed on the health certification; or the swine originated from a validated brucellosis-free state.

c) Permits:

1) Applicant for permit shall furnish the following information to the Department:

- A) Name and complete mailing address of Illinois destination;
- B) Name and address of consignor;
- C) Number of swine in shipment; and
- D) Pseudorabies vaccination status of swine.

2) Grounds for refusal to issue a permit are:

- A) Violation of the Act or this Part; and
- B) Presence of a disease that might endanger the Illinois swine industry.

Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held "exhibits not intended for slaughter." When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate and permit, unless the animals are originating from Stage I or Stage II states, when the health certificate and permit is still required. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Added 24 Ill. Reg. 16635, effective 10/1/70)

**Section 105.120 Illinois Exhibition Swine**

Illinois exhibition swine of any age must meet the following requirements:

a) Be accompanied by a health certificate issued within 90 days prior to exhibition and individually identified by ear tag, tattoo or recognized ear notch. Ear notch identification is acceptable for barrows, crossbred gilts and breeding swine.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
- 3) Show that the exhibition swine are not from a quarantined herd and/or area; and

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4) Show that the swine are negative to an official test for pseudorabies conducted within the 90 days prior to exhibition; or that the swine originated from a qualified pseudorabies negative herd and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate.

Illinois swine exhibited in Stage I or Stage II states or out-of-state shows allowing Stage I or II state pigs to exhibit returning to Illinois must be isolated and retested negative to an official test for pseudorabies 21-60 days after returning to Illinois before being able to be exhibited in Illinois or return to the herd of origin.

Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held "exhibits not intended for slaughter." When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Added at 24 Ill. Reg. 16635, effective 10/1/70)

**Section 105.130 Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program**

a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture or the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Herd" or "premises" means all animals under common ownership or supervision on a specific geographic area. The herd or premises is defined by the owner and veterinarian, and may include all or a portion of pork production under their control. A premises describes a physical space that is dedicated for use by the producer when entering the PRRS monitored herd program. For an entire production system to be monitored, all phases of production must be sampled and participate in the program. Producers can select the production group they wish to monitor. All phases of production up to and including the "selected" group must participate in the program. If multiple locations input swine into the proposed PRRS monitored production herd or premises, all sites must be sampled separately to validate the final PRRS monitoring herd defined premises.

"PRRS" means porcine reproductive and respiratory syndrome.

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b) Criteria for herd to enter into or to remain in the voluntary monitoring herd program:  
1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.

2) All breeding swine that have been tested must have permanent identification such as registry association approved individual tattoo, ear notch, registration number or approved ear tags. "Approved ear tags" means any ear tag that is tamper resistant, has been approved for use either by the USDA or the Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postage code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side. Information concerning manufacturers of approved ear tags may be obtained from the Department.

3) The owner annually signs a producer agreement form verifying that the producer or manager:

- A) understands the clinical signs of PRRS;
- B) identifies a herd veterinarian;
- C) agrees to work with that veterinarian in the event clinical signs of PRRS develop;
- D) identifies the premises and animal production groups that will be monitored and the average number of animals per premises or production group; and
- E) outlines the testing procedure employed to verify PRRS testing qualifications.

4) Quarter sample size for initial monitoring for all production systems and for monitoring phase for farrow-weaning sites (Table A):

Population size: Breeding females or maximum G-F capacity	Breeding herd females	G-F Swine (Grow-Finisher)
10 and under	9	9
11-20	15	15
21-30	18	18
31-40	20	20
41-50	22	22
51-100	25	25
101-200	27	27
201-1000	28	28
1001 and above	29	29

5) Quarterly sample size for monitoring phase for farrow-finish and farrow-feeder pig herds (Table B):

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Population size:  
Breeding females  
or maximum G-F  
capacity

Breeding herd females	G-F Swine (Grow-Finisher)
10 and under	7
11-20	10
21-30	11
31-40	12
41-50	12
51-200	13
201 and above	14

6) Upon completion of the four qualifying tests, the Director shall issue a certificate of PRRS monitoring for the herd. A new certificate will be issued annually upon completion of the required monitoring test and the receipt of the annual producer agreement form.

c) Procedure for monitoring farrow-finish and seedstock producer herds:  
1) Initial herd monitoring:

A) Test the required number of swine (Table A) in the grow-finisher herd at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total).

B) Blood test the required number of breeding stock (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total). No sow shall be sampled twice with 101 sows or more in the breeding herd. Individual identification is required.

C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all co-mingled animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.

D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.

2) Maintenance of monitored herd status:

A) Test animals in the grow-finisher according to Table B on 90-day intervals (+ or - 15 days). Pigs must weigh at least 90 pounds.

B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.

C) Additions to the herd shall be as prescribed above.



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## d) Procedure for monitoring farrow-feeder pig premises:

## 1) Initial herd monitoring:

A) Test the required number of feeder pigs (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). The sample should represent the oldest pigs in the nursery. Pigs must be present in the nursery at least two weeks prior to the sampling to be eligible for testing. No identification is required. Multiple pens and litters must be sampled.

B) Test the required number of breeding swine (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). No sow will be sampled twice in herds of 101 or more sows during the year. Individual identification is required.

C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the test can the animal be released from isolation. If a positive animal is detected, all in-contact animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.

D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.

## 2) Maintenance of monitored herd status:

A) Test the feeder pigs according to Table B on 90-day intervals (+ or - 15 days). The sample should represent the oldest pigs in the nursery. Pigs must be present in the nursery at least two weeks prior to the sampling to be eligible for testing. No identification is required. Multiple pens and litters must be sampled.

B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.

C) Additions to the herd shall be as prescribed above.

## e) Procedure for monitoring farrow-weaning pig premises:

## 1) Initial herd monitoring:

A) No piglet sampling is required.

B) Test the required number of breeding swine (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). No sow will be sampled twice in herds of 101 or more sows during the year. Individual identification is required.

C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after

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the retest can the animal be released from isolation. If a positive animal is detected, all in-contact animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.

D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.

## 2) Maintenance of monitored herd status:

A) No piglet sampling is required.

B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation and off-premises gestation). Individual identification is required.

C) Additions to the herd shall be as prescribed above.

f) Procedure for monitoring boar stud premises where only seronegative boars can reside:

## 1) Initial herd monitoring:

A) All boars must be tested every six months (+ or - 15 days) for a period of 12 months (two tests).

B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.

## 2) Maintenance of monitored herd status:

A) Test the required number of boars (Table B) every 90 days (+ or - 15 days).

B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.

g) Suspension or revocation of monitored herd status:

1) If a positive animal is detected during a monitoring test, the monitored herd status shall be suspended until all in-contact animals have been retested 30-40 days after the positive is disclosed. Any PRRS positive animals must be promptly removed from the monitored premises. If subsequent positives are revealed, the monitored herd status shall be revoked.

2) Failure to conduct the required testing shall result in the revocation of the monitored herd status.

(Source: Added at 24 Ill. Reg. 16635, effective 10/1/2000)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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1) Heading of the Part: Back Wage Claim Administration

2) Code Citation: 80 Ill. Adm. Code 331

3) Section Numbers:                      Adopted Action:  
331.40                                      Amend  
331.70                                      Amend

4) Statutory Authority: Implementing and authorized by 20 ILCS 405/64.1

5) Effective Date of Amendments: October 27, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: May 26, 2000 24 Ill. Reg. 7570

10) Has JCAR issued a Statement of Objection to the Amendments? No

11) Differences between proposal and final version : No changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 331.40 is amended to comply with 20 ILCS 405/64.1(m) which states that Attorney General certification is only required for claims in which the Attorney General has filed an appearance. Section 331.70 is amended to delete the requirement of certified mail, return receipt requested.

16) Information and questions regarding this adopted amendment shall be directed to: Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
(217)782-9669

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The full text of the adopted amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 331

BACK WAGE CLAIM ADMINISTRATION

Section

- 331.1 Definitions
- 331.5 Entitlement
- 331.7 Basis for Back Wage Claim
- 331.10 Application
- 331.20 Timeliness
- 331.30 Mitigation
- 331.35 Withholding
- 331.40 Claim Approval
- 331.45 Claim Disposition
- 331.46 Notice of Dismissal
- 331.48 Duplicate Claims
- 331.50 Limit of Liability
- 331.60 Funding
- 331.70 Payment
- 331.80 Waiver
- 331.90 Appeal
- 331.100 Interpretation and Application of this Part

AUTHORITY: Implementing and authorized by Section 64.1 of the Personnel Code [20 ILCS 405/64.1].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 3285, effective January 22, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 12907, effective August 1, 1986; amended at 24 Ill. Reg. 16649, effective 01-27-2000.

Section 331.40 Claim Approval

The Director shall obtain written certification by the chief officer of the employing agency that: the claim is valid; the amount claimed is proper and mitigated under Section 331.30 if appropriate; and the fiscal year and its lapse period for the period of back wages claimed have expired. Upon receipt of such certification, if the Attorney General filed an appearance in the proceeding concerning the wage claim settlement or judgement, the Director shall seek and obtain written certification by the Attorney General of the validity of the claim. No claim shall be paid in the absence of such certification by the Chief Officer and/or the Attorney General.

(Source: Amended at 24 Ill. Reg. 16649, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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01-27-2000

Section 331.70 Payment

The Director shall forward by regular certified mail, return-receipt-requested, the warrant drawn in payment of a claim to the claimant in care of the claimant's representative, if any, or to the claimant. The claimant shall be responsible for providing the Department with her or his correct address.

(Source: Amended at 24 Ill. Reg. 16649, effective 01-27-2000)



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Employee Benefit Administration
- 2) Code Citation: 80 Ill. Adm. Code 330
- 3) Section Numbers:      Adopted Action:  
330.3                      Amend  
330.10                      Amend
- 4) Statutory Authority: Implementing and authorized by 30 ILCS 105/14a
- 5) Effective Date of Amendments: October 27, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 9, 2000 24 Ill. Reg. 7936
- 10) Has JCAR issued a Statement of Objection to the Amendments? No
- 11) Differences between proposal and final version. No changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Effective January 1, 1998, the Finance Act was amended to preclude payment for unused sick leave earned thereafter. Compensable sick leave became that leave earned between January 1, 1984 and December 31, 1997. Consistent with that legislation (PA 90-65), the Department is making these amendments.
- 16) Information and questions regarding this adopted amendment shall be directed to: Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
(217)782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
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The full text of the adopted amendments begin on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
 POSITION CLASSIFICATIONS  
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 330

## STATE EMPLOYEE BENEFIT ADMINISTRATION

## Section

330.1 Definitions

330.3 Entitlement

330.5 Computation of Overtime Days

330.10 Computation of Sick Leave Days

330.15 Computation of Vacation Days

330.30 Computation of Daily Salary Rate

330.50 Interpretation and Application of this Part

AUTHORITY: Implementing and authorized by Section 14a of the State Financing Act [30 ILCS 105/14a].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 357, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 7795, effective May 23, 1984; amended at 24 Ill. Reg. 16653, effective 10/27/2000.

## Section 330.3 Entitlement

Upon termination of employment from State service an employee, or the employee's estate, is entitled to lump sum payment for accrued vacation and overtime and for accrued sick leave days earned between January 1, 1984 and December 31, 1997 granted on or after January 17, 1984.

(Source: Amended at 24 Ill. Reg. 16653, effective 10/27/2000)

## Section 330.10 Computation of Sick Leave Days

For purpose of this Part, sick leave days eligible for lump sum payment shall be computed by determining the number of days, or fractions thereof, granted to the employee between on or after January 1, 1984 and December 31, 1997, subtracting the number of qualifying days used between those since that date date as determined by Agency Rule, policy or labor agreement, and then dividing the resulting quantity by 2.

(Source: Amended at 24 Ill. Reg. 16653, effective 10/27/2000)

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Farm Development Authority

2) Code Citation: 8 Ill. Adm. Code 1400

3) Section Numbers: Adopted Action:  
 1400.130 Amendment  
 1400.140 Amendment

4) Statutory Authority: 20 ILCS 3605/7

5) Effective Date of Amendments: October 24, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 7, 2000, 24 Ill. Reg. 9306

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences Between Proposed and Final Version: Minor grammar and style changes made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers: Proposed Action:  
 1400.146 Amendment  
 1400.148 Amendment

15) Summary and Purpose of Amendments: The changes are to reflect policy changes in the Beginning Farmer Bond Program.

16) Information and questions regarding this adopted amendment shall be directed to:

Laura A. Lanterman, C.P.A.  
 Illinois Farm Development Authority  
 427 East Monroe Street, Suite 201  
 Springfield, Illinois 62701  
 217/782-5792

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 8: AGRICULTURE AND ANIMALS

## CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

## PART 1400

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## Section

1400.10	Definitions
1400.20	Composition, Appointment and Terms of Office
1400.30	Officers
1400.40	Executive Director
1400.50	Meetings
1400.60	Quorum
1400.70	Reimbursement
1400.80	Rules of Order
1400.90	Records and Reports
1400.100	Public Participation
1400.110	Rulemaking Procedures
1400.120	Purchasing Rules and Regulations
1400.130	Rules and Guidelines Applicable to All Bond Programs
1400.140	Bond Programs and Rules Applicable to Each
1400.145	Rules and Guidelines Applicable to the Interest Buy Down
1400.146	Rules and Guidelines Applicable to the Young Farmer Guarantee Program
1400.147	Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
1400.148	Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program
1400.149	Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries
1400.150	Seal
1400.160	Principal Office
1400.170	Revision
1400.180	Construction; Waiver; Severability

## ILLUSTRATION A OIALP Regions (Repealed)

**AUTHORITY:** Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

**SOURCE:** Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.



## ILLINOIS FARM DEVELOPMENT AUTHORITY

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2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 2866, effective February 26, 1999; emergency amendment at 23 Ill. Reg. 4464, effective April 6, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11703, effective September 3, 1999; amended at 24 Ill. Reg. 10656, effective 10/24/2000.

## Section 1400.130 Rules and Guidelines Applicable to All Bond Programs

a) General Description of Programs. The bond programs are intended to allow farmers to obtain lower interest rate loans for qualified purposes by obtaining loan funds from the proceeds of a tax-free bond issued by the Authority. The Authority shall establish, from time to time, particular bond programs to implement the policies and purposes of the Act. The Authority may modify or discontinue any such program, in a manner consistent with this Part ~~these Rules~~, if it determines that the public interest would be served by so doing.

b) Applicant Eligibility.

- 1) Unless otherwise provided in this Part, the eligible applicant must be a permanent resident of Illinois at the time the bond is ~~issued completed loan application is submitted to the lender.~~
- 2) The land and improvements or depreciable farm property the applicant proposes to purchase will be located within Illinois.
- 3) The applicant must be at least ~~eighteen~~ 18 years of age at the time of application.
- 4) The applicant may be required to document to the satisfaction of the lender and the Authority, sufficient education, training or experience in the type of project for which the loan is sought.
- 5) If the loan is sought for the acquisition of land, the applicant may be required to document, to the satisfaction of the lender, that he will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is sought for acquisition of depreciable agricultural property, the applicant should document access to adequate working capital or agricultural land.
- 6) The Authority may, from time to time, and through formal rulemaking procedures, establish rules requiring that a determination be made that the applicant is unable to secure financing from nongovernmental sources upon terms and conditions which the applicant reasonably could be expected to fulfill.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

7) The land and improvements which are financed by the loan made by the Authority must be used by the applicant. Any improvements or depreciable property which is to become a fixture or an integral part of real estate may be financed by the Authority only if the applicant owns or leases the real estate on which it is to be located.

8) The applicant must state the particular program for which he or she is applying and must satisfy all the eligibility requirements of that program.

c) Qualified Purposes.

1) Eligible loan activities under all programs consist of financing purchases of depreciable property or real estate, and powers granted in Section 7 of the Act.

2) Ineligible loan activities under all programs consist of the following:

A) Refinancing an existing debt incurred by the applicant.  
B) Financing working capital to purchase feed, seed, fertilizer, fuel, feeder cattle, pigs, lambs, etc.

C) ~~Financing the acquisition by the applicant of land, agricultural improvements or depreciable property from a related person. Those deemed to be related persons are those classified as related persons pursuant to Section 103(b) of the Internal Revenue Code (26 U.S.C. 103(b)), and include grandmothers, grandfathers, mothers, fathers, sisters, brothers, whether whole or half blood, child, grandchild, spouse, or a corporation or partnership in which the applicant or his family members own more than 50% interest.~~

~~Financing the previously commenced acquisition or construction of any part of the project for which the loan is sought if such commencement by the applicant or any related person occurred more than 60 days prior to the Authority's action on the application and sale of bond to finance the loan. This prohibition includes, but is not limited to, entering into a contract or purchase agreement, installment or otherwise, in connection with the construction of the project or any part thereof, or off-site fabrication or acquisition of any portion of the project. This prohibition does not apply, however, if such contract or purchase order, for example, states that the purchase is subject to the approval of the Authority, the risk of loss remains with the seller and the Authority's approval is obtained prior to the applicant taking possession of the property.~~

d) Participating Lenders. Any bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency or instrumentality, or any other financial institution or entity authorized to make mortgage loans or secured loans in this state may

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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be a participating lender. A financial institution may become a participating lender at any time by signing an agreement with the Authority to become a participating lender.

## e) Application Procedures and Review.

1) The farmer may apply (on forms approved by the Authority) for an Authority loan with any participating lender. Any loan approved will be assigned to that participating lender. Authority loan eligibility is determined by the requirements for the Act and the Rules of the Authority. If a farmer meets the loan eligibility requirements, the decision on whether to enter into the loan agreement is between the farmer and the participating lender. They must agree on terms of the loan such as interest rates, length of loan, down payment, service fees, origination charges, and repayment schedule, which may not be any more onerous than that charged to similar customers for similar loans, but taking into account the tax-exempt nature of interest on the loan.

2) Following completion of the loan application by the farmer and approval by the participating lender, the loan application must be submitted to the Authority for its review and approval. The Authority's review will include, but not be limited to, whether the loan applicant is an eligible farmer, the loan proceeds will be used for a qualified purpose under the Act and this Part rules of the Authority and the Internal Revenue Code and IRS regulations relating to industrial development revenue bonds, and the terms of the loan comply with this Part these rules.

3) When a loan application is submitted to the Authority, the Executive Director shall review the loan application to determine whether it is complete, and whether the criteria established by the Act and this Part these rules have been satisfied.

A) If the Executive Director determines that the loan application is incomplete, he shall, within five days after of such determination, inform the applicant and the participating lender of such determination, and shall detail the information or material which is necessary to complete the application. For the purposes of subsection Section 1400-130(g) of this Section these Rules, no application shall be deemed complete until the applicant or participating lender has provided additional information or material as requested by the Executive Director.

B) When the Executive Director has completed his review of the loan application, he shall present the loan application, with a statement of recommended action, to the Board at its next regularly scheduled meeting.

4) The Board shall review each loan application presented by the Executive Director in accordance with the provisions of the Act and this Part these Rules, and the Board shall:

A) approve the loan and issue the bond, pursuant to the Act and this Part these Rules; or

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B) deny the application and serve upon the applicant and participating lender a written statement of the grounds for the denial.

5) Within 21 twenty-one days after of a denial, the applicant and the participating lender may file with the Authority a Request for Reconsideration, stating reasons why the Board should withdraw its denial of the application and approve the loan. The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Board. The Board shall review the Request for Reconsideration within 45 forty-five days after of receiving it, and shall either approve the loan and issue the bond, or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed complete for the purposes of subsection Section 1400-130(g) of this Section these Rules.

f) Source of Payment and Nature of Obligation. The principal and interest on the bond is a limited obligation payable solely out of the revenues derived from the loan to the farmer and the underlying collateral or other security furnished by or on behalf of the farmer. The participating lender shall have no other recourse against the Authority. The principal and interest on the bond does not constitute an indebtedness of the Authority or a charge against its general credit or general fund.

g) Priority of Applications. Applications shall be processed by the Authority on a first-come, first-served basis, based upon the receipt of all completed documents by the Authority. The Authority may deviate from the first-come, first-served rule to the extent necessary to comply with federal income tax laws and regulations, to fully utilize the proceeds of any series of bonds or allocations of bond proceeds to participating lenders, or to meet emergency needs of farmers as determined from time to time by appropriate resolution of the Authority.

h) Post Issuance Certification. No bond proceeds may be used for a nonqualified purpose or by a noneligible user. Following disbursement of the bond proceeds, the participating lender and farmer shall certify to the Authority that the proceeds were used by an eligible farmer for a qualified purpose.

i) Assumption of Loans, Substitution of Collateral and Transfer of Property. Loans may not be assumed without the prior approval of the Authority, and then only if the purchaser of the property is an eligible applicant for an Authority loan. Equipment and other depreciable property may be exchanged or traded in for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the lender without the prior approval of the Authority. The benefits of the loan made at the tax-free rate from the proceeds of an Authority bond must remain



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with the qualified farmer, and no person to whom property is traded or otherwise transferred may obtain the benefits of the Authority loan.

j) Right to Audit. The Authority shall have at any time the right to audit the records of the participating lender and the farmer relating to this loan and bond and ensure that bond proceeds were used for qualified purpose by a qualified user.

(Source: Amended at 24 Ill. Reg. 16656, effective 10/24/2006)

## Section 1400.140 Bond Programs and Rules Applicable to Each

## a) Beginning Farmer Program.

1) Purpose. This program is intended to facilitate the acquisition, construction or reconstruction of agricultural land and improvements and depreciable agricultural property by beginning farmers, as hereinafter defined. Eligible loan activities under this program consist of financing purchases of the following:

- A) Depreciable agricultural property.
- B) Agricultural improvements. Examples are: confinement systems for swine, cattle, or poultry, barns and other out buildings, silos, tiling and soil conservation practices such as terraces, farm ponds, erosion control structures, waterways, etc.
- C) Agricultural land.

## 2) Eligibility Requirements Particular to the Beginning Farmer Program.

- A) The eligible applicant must be a beginning farmer. "Beginning farmer" means an individual with a low or moderate net worth who engages in farming or wishes to engage in farming.
- B) Low or moderate net worth means an aggregate net worth of an individual and the individual's spouse and minor children, if any, of less than \$250,000 \$280,000.
- C) Net worth means total assets minus total liabilities as determined by the lender, in accordance with this Part rules of the Authority and accepted accounting procedures.
- D) Total ~~total~~ assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in a trust; government payments or grants; and all other assets. (Section 2(1) of the Act) Total assets shall not include items used for personal, family or household purposes by the

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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applicant, but in no event shall such property be excluded to the extent that a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

- E) Total ~~total~~ liabilities shall include, but not be limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and all other liabilities. ~~liabilities~~ (Section 2(m) of the Act)

## 3) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond, to be purchased by the participating lender, in the amount and fitting the terms of the loan to the farmer.

## 4) This program takes effect upon adoption pursuant to this Part.

## b) Agricultural Manufacturing Bond Program

- 1) Purpose. This program is designed to encourage the development and expansion of agribusiness manufacturing operations in Illinois. The intention of this program is to enhance economic growth in Illinois by creating and saving jobs in the rural areas of the State.

## 2) Eligibility Requirements Particular to the Agricultural Manufacturing Bond Program.

- A) The applicant must be an agribusiness as defined in the Act and in Section 1400.10 of this Part. The applicant must also be a "manufacturing facility" as defined in Section 144(a)(12)(C) of the Internal Revenue Code of 1986. This means any facility which is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property).

- B) The applicant, including all affiliates and subsidiaries, must have no more than 100 employees at the time of application or have had gross income of no more than \$2 million for the calendar year preceding the date of application. "Gross income" for this purpose means the amount of gross income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code of 1986.

- C) The IFDA shall waive the requirements of subsection (b)(2)(B) for any Agricultural Manufacturing Facility which at the time of application does not operate a facility within the State of Illinois.

- 3) The amount of a loan authorized herein to any agricultural manufacturing facility shall be limited by Section 144(a)(4)(A) of the Internal Revenue Code of 1986 with respect to the issuance



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of small issue industrial development bonds. In no event shall any loan to any one agricultural manufacturing facility exceed \$10 million.

- 4) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond, in the amount of and fitting the terms of the loan, to be purchased by the participating lender.
- 5) This program takes effect upon adoption pursuant to this Part.
- 6) The applicant must pay a \$100 fee at the time of application.

(Source: Amended at 24 Ill. Reg. 16656, effective 11/23/2000)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Reimbursement Provision Contained in Individual and Group Accident and Health Policies

2) Code Citation: 50 Ill. Adm. Code 2020

3) <u>Section Number:</u>	<u>Adopted Action:</u>
2020.10	New Section
2020.20	New Section
2020.30	New Section
2020.40	New Section

- 4) Statutory Authority: Implementing Article IX and Sections 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/132, 357.18, 357.19] and authorized by Section 401 of the Illinois Insurance Code [40 ILCS 5/401].

5) Effective Date of Rulemaking: November 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000, 24 Ill. Reg. 7852

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: In the Authority Section, added a comma after "357.19" in both places.

In Section 2020.30, deleted the definition of "Code".

In Section 2020.40(a), added "Illinois Insurance" before "Code" in the first sentence.

In Section 2020.40(a), after "That the provision shall state as", insert "as set forth in subsection (a)(1) if the insurer has the right to first reimbursement, or subsection (a)(2) if the insurer does not have the right to first reimbursement" and delete "follows".

In Section 2020.40(a), add "1)" in front of "Right of Reimbursement:" and in a new paragraph after "This provision applies whether or not the third party admits liability.", insert the following:

- 2) Right of Reimbursement: If a covered person incurs expenses for

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED RULES

sickness or injury that occurred due to the negligence of a third party:

A) we have the right to reimbursement for all benefits we paid from any and all damages collected from the third party for those same expenses whether by action at law, settlement, or compromise, by the covered person, covered person's parents, if the covered person is a minor, or covered person's legal representative as a result of that sickness or injury; and

B) we are assigned the right to recover from the third party, or his or her insurer, to the extent of the benefits we paid for that sickness or injury.

We shall have the right to reimbursement out of all funds the covered person, the covered person's parents if the covered person is a minor, or the covered person's legal representative, is or was able to obtain for the same expenses we have paid as a result of that sickness or injury.

You are required to furnish any information or assistance or provide any documents that we may reasonably require in order to obtain our rights under this provision. This provision applies whether or not the third party admits liability.

In Section 2020.40(b), change "of the standard reimbursement provision of subsection (a)" to "of subsection (a)(1) or (a)(2)".

In Section 2020.40(b), add "Illinois Insurance" before "Code" in the phrase "Section 357.18 and 357.19 of the Code" and the phrase "Section 143 of the Code".

In Section 2020.40(b), change "the effective date of this Part" to "November 1, 2000".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: This rule clarifies the Department's position as to how it implements and interprets Article IX and Sections 357.19 of the Illinois Insurance Code when considering the approval or disapproval of Individual and Group Accident and Health Policies.

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED RULES

16) Information and questions regarding these adopted rules shall be directed to:

Chuck Feinen  
Staff Attorney  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-2867

The full text of the adopted rules begins on the next page.

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2020  
REIMBURSEMENT PROVISION CONTAINED  
IN INDIVIDUAL AND GROUP  
ACCIDENT AND HEALTH POLICIES

Section	
2020.10	Scope
2020.20	Purpose
2020.30	Definitions
2020.40	Reimbursement Provision

AUTHORITY: Implementing Sections 143(1), 357.18, 357.19, 367(11) and Article IX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. IX, 143(1), 357.18, 357.19, 367(11) and 401].

SOURCE: Adopted at 24 Ill. Reg. 166.66, effective 04/01/2004.

Section 2020.10 Scope

This Part shall apply to any insurance company licensed to do business in this State which is transacting the kind or kinds of business described as Class 1(b) or Class 2(a) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

Section 2020.20 Purpose

The purpose of this Part is to clarify policy form language concerning the application of Sections 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/357.18 and 357.19] and the use of reimbursement provisions in such policy forms. This Part is not intended to affect any equitable causes of action, if any, which may exist or develop in relation to the insurance contract.

Section 2020.30 Definitions

Department means the Illinois Department of Insurance.

Section 2020.40 Reimbursement Provision

- a) In addition to any other requirements set forth in the Illinois Insurance Code or Department's regulations, if an insurer includes a reimbursement provision in its policy, that provision shall state, as set forth in subsection (a)(1) if the insurer has the right to first reimbursement, or subsection (a)(2) if the insurer does not have the

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED RULES

right to first reimbursement, unless otherwise approved by the Department pursuant to subsection (b) of this Section:

- 1) Right of Reimbursement: If a covered person incurs expenses for sickness or injury that occurred due to the negligence of a third party:

- A) we have the right to reimbursement for all benefits we paid from any and all damages collected from the third party for those same expenses whether by action at law, settlement, or compromise, by the covered person, covered person's parents, if the covered person is a minor, or covered person's legal representative as a result of that sickness or injury; and
- B) we are assigned the right to recover from the third party, or his or her insurer, to the extent of the benefits we paid for that sickness or injury.

We shall have the right to first reimbursement out of all funds the covered person, the covered person's parents, if the covered person is a minor, or the covered person's legal representative, is or was able to obtain for the same expenses we have paid as a result of that sickness or injury.

You are required to furnish any information or assistance or provide any documents that we may reasonably require in order to obtain our rights under this provision. This provision applies whether or not the third party admits liability.

- 2) Right of Reimbursement: If a covered person incurs expenses for sickness or injury that occurred due to the negligence of a third party:

- A) we have the right to reimbursement for all benefits we paid from any and all damages collected from the third party for those same expenses whether by action at law, settlement, or compromise, by the covered person, covered person's parents, if the covered person is a minor, or covered person's legal representative as a result of that sickness or injury; and
- B) we are assigned the right to recover from the third party, or his or her insurer, to the extent of the benefits we paid for that sickness or injury.

We shall have the right to reimbursement out of all funds the covered person, the covered person's parents, if the covered person is a minor, or the covered person's legal representative, is or was able to obtain for the same expenses we have paid as a result of that sickness or injury.

You are required to furnish any information or assistance or provide any documents that we may reasonably require in order to obtain our rights under this provision. This provision applies whether or not the third party admits liability.

- b) An insurer may not modify the standard reimbursement provision language in subsection (a) of this Section unless it receives prior



DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED RULES

approval from the Department. However, under no circumstances can the language stated in paragraph (i) of subsection (a)(1) or (a)(2) of this Section be modified to circumvent Section 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/357.18 and 357.19]. The insurer shall notify the Department in its letter of submission made pursuant to 50 Ill. Adm. Code 916.40(b) of the proposed use of modified reimbursement language pursuant to this Section in all policy forms submitted for approval pursuant to Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and 50 Ill. Adm. Code 916.

c) Any policy containing a reimbursement provision that is in effect prior to November 1, 2000 shall comply with the provisions of this Part upon the renewal of that policy.

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Controlled Substances Act
- 2) Code Citation: 77 Ill. Adm. Code 3100
- 3) Section Numbers: Adopted Action:  
3100.10 Amendment  
3100.30 Amendment  
3100.85 New Section  
3100.470 Amendment
- 4) Statutory Authority: Illinois Controlled Substances Act [225 ILCS 425].
- 5) Effective Date of Amendments: October 27, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 16, 2000, at 24 Ill. Reg. 8206
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference between proposal and final version: In Section 3100.85, clarification was made that a separate notice of prescriptive authority be submitted by each supervising or collaborating physician.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-61 granted limited prescriptive authority to physician assistants, while P.A. 90-742 and P.A. 91-414 granted it to advanced practice nurses. Under these statutory changes, both physician assistants and advanced practice nurses may obtain mid-level practitioner licenses to prescribe controlled substances when authorized by a physician in accordance with their licensure act. P.A. 90-818 addressed problems associated with the issuance of mid-level practitioner controlled substances licenses expressed by the federal Drug Enforcement Administration. This rulemaking implements the creation of

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

mid-level practitioner controlled substances licenses under the Illinois Controlled Substances Act.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER XV: DEPARTMENT OF PROFESSIONAL REGULATION

## PART 3100

## ILLINOIS CONTROLLED SUBSTANCES ACT

Section  
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Exempted Locations  
Requirements of Registration  
Exemption of Agents and Employees: Affiliated Practitioners  
Application for Mid-Level Practitioner Controlled Substances License  
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Acceptance for Filing: Defective Applications  
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Amendments to and Withdrawal of Applications  
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Factors in Evaluating Physical Security Systems  
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Physical Security Controls for Practitioners  
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Record and Inventorying Requirements Generally  
Persons Entitled to Issue Prescriptions  
Purpose of Issue of Prescription  
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Requirement of Prescription

## DEPARTMENT OF PROFESSIONAL REGULATION

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3100.410	Refilling of Prescription
3100.420	Partial Filling of Prescriptions
3100.430	Prescriptions from Out-of-State Practitioners and Exempt Federal Practitioners
3100.440	Authority to Make Inspections
3100.450	Inspections
3100.460	Failure to Comply with Rules
3100.470	Address for Notices
3100.480	Suspension or Modification of Rules and Regulations
3100.490	Construction of Rules and Regulations
3100.500	Written Order
3100.510	Paragraph 1312(d) Record Keeping
3100.520	Emergency Medication Kits
3100.530	Transfer Between Pharmacies of Prescription Information for Refill Purposes

AUTHORITY: Implementing and authorized by the Illinois Controlled Substances Act [720 ILCS 570].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Controlled Substances Act, effective October 22, 1975; amended at 3 Ill. Reg. 38, p. 277, effective September 20, 1979; amended at 4 Ill. Reg. 46, p. 1297, effective November 5, 1980; amended at 5 Ill. Reg. 3528, effective March 25, 1981; amended at 5 Ill. Reg. 8693, effective August 12, 1981; amended at 6 Ill. Reg. 10015, effective August 5, 1982; codified at 8 Ill. Reg. 543; amended at 8 Ill. Reg. 2498, effective February 9, 1984; amended at 8 Ill. Reg. 16344, effective August 23, 1984; amended at 11 Ill. Reg. 18246, effective October 27, 1987; transferred from Chapter VII, 77 Ill. Adm. Code 1650 (Department of Registration and Education) to Chapter XV, 77 Ill. Adm. Code 3100 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2922; amended at 20 Ill. Reg. 9063, effective July 1, 1996; amended at 24 Ill. Reg. 16672, effective 11/27/2000.

## Section 3100.10 Definitions

- Authority: This Part is made and issued by the Department of Professional Regulation pursuant to the Illinois Controlled Substances Act [720 ILCS 570], which empowers the Department to promulgate rules relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.
- Definitions: ~~The~~ Unless the context clearly requires--otherwise--the following terms shall be defined as follows have the meanings ascribed to them--herein:

"Act" means the Illinois Controlled Substances Act [720 ILCS 570].

## DEPARTMENT OF PROFESSIONAL REGULATION

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"Basic Class" is defined as set forth in Title 21, Chap. II, Sec. 1301.02 of the Federal Regulations relating to Food and Drugs (21 CFR 1301.02).

"Controlled Substances Code Number" means the number assigned to controlled substances and controlled drug preparations by the Drug Enforcement Administration of the Department of Justice.

"Department" means the Department of Professional Regulation of the State of Illinois.

"Director" means the Director of the Department of Professional Regulation of the State of Illinois.

"Hearing Officer" means either the Director or any person he/she appoints pursuant to Section 3100.190 of this Part. Such person shall have full power to receive evidence, decide evidentiary questions, issue subpoenas and otherwise conduct a hearing.

"Individual Practitioner" means a physician, dentist, veterinarian, podiatrist or therapeutically certified optometrist licensed in the State of Illinois to practice his/her profession, a licensed physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or a licensed advanced practice nurse with prescriptive authority, in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

"Institutional Practitioner" means a hospital or other party (other than an individual) licensed, registered or otherwise permitted by the State of Illinois to dispense a controlled substance in the course of professional practice but does not include a pharmacy.

"Mid-level Practitioner Controlled Substances License" is a license issued to a licensed physician assistant or licensed advanced practice nurse authorized to prescribe by a physician in accordance with the Professional Licensure Act of the profession.

"Registrant" means a person or party registered or licensed under or holding a certificate of registration or license pursuant to the Act.

"Rules" means this Part.



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(Source: Amended at 24 Ill. Reg. 16672, effective 11-27-2000)

## Section 3100.30 Renewal Periods and Fees

- a) Renewal Periods
- 1) Registration/licensure to dispense. Every certificate of registration or license to dispense controlled substances listed in Schedules II through V of the Illinois Controlled Substances Act (~~§§11-Rev-Stat-1987-ch-56-1/27--Pars--3205-1212~~) shall expire on the date the certificate holder's superior professional license expires, as set by the rules for the administration of the applicable professional licensing Act.
  - 2) Other controlled substances registrations. Every certificate of registration to conduct instructional activities, to conduct chemical analyses, and as a manufacturer or wholesale distributor, shall expire on December 31 of each even numbered year.
  - 3) The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
  - 4) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

## b) Fees

- 1) The fee for a certificate of registration to dispense controlled substances listed in Schedules II through V of the ~~Illinois Controlled Substances Act (§§11-Rev-Stat-1987-ch-56-1/27-Pars--3205-1212)~~ is \$5. The fee for the renewal of such registration shall be calculated at the rate of \$5 per year.
- 2) The fee for a mid-level practitioner controlled substances license is \$5. The fee for renewal of a license shall be calculated at the rate of \$5 per year.
- 3) 2) The fee for a certificate of registration to conduct instructional activities is \$5. The fee for the renewal of such registration shall be calculated at the rate of \$5 per year.
- 4) 3) The fee for a certificate of registration to conduct chemical analyses is \$50. The fee for the renewal of such registration shall be calculated at the rate of \$50 per year.
- 5) 4) The fee for a certificate of registration as a manufacturer or wholesale distributor is \$50, except the fee for registration as a manufacturer or wholesale distributor of controlled substances that may be dispensed without a prescription shall be \$15. The fee for the renewal of such registration shall be calculated at the rate of \$50 per year and \$15 per year, respectively.
- 6) 5) The fee shall be waived for governmental institutions that manufacture, distribute or dispense controlled substances or

## DEPARTMENT OF PROFESSIONAL REGULATION

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engage in chemical analyses or instructional activities.

- c) ~~Fees may be prorated over the initial renewal period to provide for a fair transition period to the new renewal schedule.~~

(Source: Amended at 24 Ill. Reg. 16672, effective 11-27-2000)

## Section 3100.85 Application for Mid-Level Practitioner Controlled Substances License

- a) An applicant for a mid-level practitioner controlled substances license shall file an application on forms provided by the Department. The application shall include:
- 1) The physician assistant or advanced practice nurse license number. The license shall be active and in good standing;
  - 2) The license number and controlled substances license number of the delegating physician;
  - 3) A notice of delegation of prescriptive authority signed by the physician indicating the schedule of controlled substances that the practitioner may dispense or prescribe. A separate notice of prescriptive authority shall be submitted by each supervising or collaborating physician; and
  - 4) The required fee.

(Source: Added at 24 Ill. Reg. 16672, effective 11-27-2000)

## Section 3100.470 Address for Notices

- a) Unless the Act or this Part otherwise provides, all notices required by this Part to be sent to the Department or Director shall be sent to the Department of Professional Regulation, 100 West Randolph, Suite 9-300, ~~100 West Randolph Street, 9th Floor,~~ Chicago, Illinois 60601, by certified mail, return receipt requested.
- b) Street Address
- 1) Every applicant or registrant shall provide the Department with an address to which all communications from the Department to such applicant or registrant shall be sent. Such address shall be an actual street address and shall include the city or town, state and zip code number.
  - 2) Furnishing of post office box numbers or other forms of address shall not constitute sufficient compliance with subsection (b)(1) ~~subparagraph (i) hereof.~~
  - c) The address required by subsection (b) ~~hereof~~ shall be provided by the applicant or registrant either as part of his/her application for registration or renewal or by letter to the Department ~~sent--certified mail--return receipt requested.~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 16672, effective 10/27/2000)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Physician Assistant Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1350
- 3) Section Numbers:  
1350.20 Adopted Action:  
Amendment  
1350.40 Amendment  
1350.50 Amendment  
1350.55 New Section  
1350.116 Amendment  
1350.117 Amendment
- 4) Statutory Authority: Physician Assistant Practice Act of 1987 [225 ILCS 95]
- 5) Effective Date of Amendments: October 27, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 16, 2000, at 24 Ill. Reg. 8214
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: In Sections 1350.116 and 1350.117, clarification was made that it is the responsibility of the supervising physician to submit the Delegation of Prescriptive Authority to the Department rather than the physician assistant.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, included the reauthorization of the Physician Assistant Practice Act of 1987. Among its changes were increasing the number of physician assistants that may be supervised by a physician and the delegation of limited prescriptive authority to physician assistants. This rulemaking

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establishes guidelines for the delegation of such authority. Problems with the statutory language from the federal Drug Enforcement Administration (DEA), however, necessitated withdrawal of the first attempt at implementing this provision; P.A. 90-818, effective March 23, 1999, corrected those problems.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1350  
PHYSICIAN ASSISTANT PRACTICE ACT  
OF 1987

Section	
1350.10	Statutory Authority (Repealed)
1350.20	Definitions
1350.25	Fees
1350.30	Approved Programs
1350.40	Application for Licensure
1350.50	Temporary Certificate
1350.55	Prescriptive Authority
1350.60	Identification
1350.70	Permitted Tasks (Repealed)
1350.80	Supervision of Performance
1350.90	Scope and Function
1350.100	Notification of Employment
1350.110	Employment by a Professional Corporation or Partnership
1350.115	Renewals
1350.116	Restoration
1350.117	Endorsement
1350.120	Granting Variances

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. 3891, effective February 5, 1998; amended at 23 Ill. Reg. 3999, effective March 19, 1999; amended at 24 Ill. Reg. 16680, effective 06/27/2000.

## Section 1350.20 Definitions

"Act" means the Physician Assistant Practice Act of 1987 [225 ILCS 95].



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"Advisory Committee" means the Physician Assistant Advisory Committee to the Medical Licensing Board.

"Alternate Supervising Physician" means a physician designated by the supervising physician in accordance with Section 4(B) of the Act. The alternate supervising physician shall maintain all the same responsibilities as the supervising physician. *Nothing in this Part shall be construed as to limit the reasonable number of alternate supervising physicians provided they are designated by the supervising physician.* (Section 4 of the Act [225 ILCS 95/4])

"Department" means the Department of Professional Regulation of the State of Illinois.

"Disciplinary Board" means the Medical Disciplinary Board established pursuant to Section 7 of the Medical Practice Act [225 ILCS 60].

"Licensing Board" means the Medical Licensing Board established pursuant to Section 8 of the Medical Practice Act.

"Mid-level Practitioner Controlled Substances License" means a license issued by the Department pursuant to the Illinois Controlled Substances Act to a licensed physician assistant who has been delegated prescriptive authority by a supervising physician for Schedule III, IV and/or V controlled substances.

"Physician Assistant" means a person licensed by the Department and who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987. A physician assistant is only authorized to practice within the current scope of practice of the supervising physician/alternate supervising physician and is further limited by his/her education, training and experience.

"Supervising Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the primary supervising physician of the physician assistant in accordance with Section 4(7) of the Act. *No more than two physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position.* (Section 7 of the Act)

(Source: Amended at 24 Ill. Reg. 16680, effective 06/27/2000)

## Section 1350.40 Application for Licensure

- a) An applicant for licensure as a physician assistant shall file an application on forms provided by the Department. The application

## DEPARTMENT OF PROFESSIONAL REGULATION

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shall include:

- 1) Certification of graduation from an approved program that meets the requirements set forth in Section 1350.30 of this Part or certification from the National Commission on Certification of Physician Assistants, or its successor agency, that the applicant has substantially equivalent training and experience;
  - 2) Certification of successful completion of the Physician Assistant National Certifying Examination. The certification shall be forwarded to the Department from the National Commission on Certification of Physician Assistants, or its successor agency;
  - 3) A complete work history since graduation from a physician assistant program;
  - 4) Certification, on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license;
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
  - 5) The fee required in Section 1350.25 of this Part.
- b) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.
- c) The supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant is supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each supervising physician. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. 16680, effective 06/27/2000)

## Section 1350.50 Temporary Certificate

- a) A person may obtain a temporary certificate pursuant to Section 14 of the Act by filing an application for physician assistant licensure in accordance with Section 1350.40. In lieu of the certification of successful completion of the examination required in Section 1350.40(a)(2), the applicant shall submit:

- 1) Proof of admission to the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants or its successor agency; and

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- 2) An authorization to release examination scores from the National Commission on Certification of Physician Assistants, or its successor agency, to the Department.
- b) Qualified applicants shall receive a temporary certificate which shall be valid until:
- 1) Notification of failure of the examination;
  - 2) Certification from the National Commission on Certification of Physician Assistants of passage of the examination, at which time the physician assistant license will be issued; or
  - 3) 15 months has elapsed.
- c) A physician assistant may not practice on a temporary certificate until a notice of employment has been filed in accordance with Section 1350.100 of this Part.
- d) Prescriptive authority may not be delegated to a holder of a temporary certificate.

(Source: Amended at 24 Ill. Reg. 16680, effective 10/27/2000 )

**Section 1350.55 Prescriptive Authority**

- a) A supervising physician may delegate limited prescriptive authority to a physician assistant. This authority may, but is not required to, include prescription and dispensing of legend drugs and legend controlled substances categorized as Schedule III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, as delegated in the written guidelines required by the Physician Assistant Practice Act of 1987. To prescribe Schedule III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the supervising physician. The supervising physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe Schedule III, IV, or V controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the supervising physician to a nurse or other appropriately trained personnel. (Section 7.5 of the Act)
- b) Written Guidelines.
- 1) If the supervising physician has delegated prescriptive authority to the physician assistant, the written guidelines shall include a statement indicating that the supervising physician has delegated prescriptive authority for legend drugs and any schedule of controlled substances. The delegation must be

appropriate to the physician's practice and within the scope of the physician assistant's training.

2) The written guidelines shall be signed by both the physician and the physician assistant and a copy maintained at each location where the physician assistant practices along with the physician assistant's state controlled substance license number and the Drug Enforcement Administration (DEA) registration number.

- / c) A physician assistant may only prescribe or dispense prescriptions or orders for drugs and medical supplies within the scope of practice of the supervising physician or alternate supervising physician.
- d) The name of the supervising physician shall appear on any prescription written by the physician assistant.

(Source: Added at 24 Ill. Reg. 16680, effective 10/27/2000 )

**Section 1350.116 Restoration**

- a) A person seeking restoration of a license that has expired for 3 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 1350.25 of this Part.
- b) A person seeking restoration of a license that has been placed on inactive status for 3 years or less shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Department, including the applicant's work history since the license expired and the fee required by Section 1350.25 of this Part. The person shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
  - 3) Successful completion of the examination administered by and proof of current certification from the National Commission on the Certification of Physician Assistants or its successor agency.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to:
- 1) Provide such information as may be necessary; and/or

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- 2) Appear for an interview before the Advisory Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflict in information. Upon the recommendation of the Licensing Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.
- e) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

- f) The supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant is supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each supervising physician. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. 16680, effective 11/27/2000)

## Section 1350.117 Endorsement

- a) An applicant for licensure as a physician assistant who is licensed under the laws of another state shall file an application with the Department which shall include:

- 1) A certification from all states in which the applicant was licensed and is currently licensed, stating:

- A) The time during which the applicant was licensed in that jurisdiction; and

- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;

- 2) A complete work history indicating all employment since graduation from a program that meets the requirements set forth in Section 1350.30;

- 3) Certification of successful completion of the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants, or its successor agency;

- 4) The required fee set forth in Section 1350.25 of this Part.

- b) The Department shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act. The Department shall either issue a license by endorsement or

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- c) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

- d) The supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant is supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each supervising physician. In addition, if prescriptive authority includes Schedule III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 24 Ill. Reg. 16630, effective 11/27/2000)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill Adm Code 1040
- 3) Section Numbers: Adopted Action:  
1040.105 New Section
- 4) Statutory Authority: Section 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 6-521(a)] and Article 5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art V]
- 5) Effective Date of Rulemaking: 10/30/00
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 8223 (June 2, 2000)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Yes. In Section 1040.105(d), a procedure for rescinding a suspension was clarified. Added Sections 1040.105(f) and (g).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is being adopted in order to implement the recently enacted Public Act 91-277 that gives the Tollway authority, pursuant to subsection (a-5) of Section 10 of the Toll Highway Act, to send a notice of impending suspension of driver's licenses and/or vehicle registrations of drivers who have unsatisfied fines or penalties for toll violations or evasions.
- 16) Information and questions regarding this adopted amendment shall be

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Robert W. Mueller  
Assistant General Counsel  
Driver Services Department  
2701 S. Dirksen Parkway  
Springfield IL 62723  
217/782-5356

The full text of the adopted amendments begins on the next page:

SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1040  
CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- 1040.10 Section Court to Forward Licenses and Reports of Convictions
- 1040.20 Illinois Offense Table
- 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
- 1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
- 1040.30 3 or More Traffic Offenses Committed within 12 Months
- 1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation
- 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
- 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
- 1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
- 1040.36 Suspension for Violation of Restrictions on Driver's License
- 1040.37 Suspension for Violation of Restrictions on Instruction Permit
- 1040.38 Commission of a Traffic Offense in Another State
- 1040.40 Repeated Convictions or Collisions
- 1040.41 Suspension of Licenses for Curfew Violations
- 1040.42 Fleeing and Eluding
- 1040.43 Illegal Transportation
- 1040.46 Fatal Accident and Personal Injury Suspensions or Occupational Vehicle Emission Suspensions
- 1040.48 Suspension of License of Commercial Vehicle Driver
- 1040.50 Driver Remedial Education Course
- 1040.55 Suspension for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
- 1040.105 Suspension for 5 or More Tollway Violations and/or Evasions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and

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NOTICE OF ADOPTED AMENDMENTS

authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18483, effective 10/13/00.

Section 1040.105 Suspension for 5 or More Tollway Violations and/or Evasions

a) For purposes of this Section, the following definitions shall apply:

"Authority" - Illinois State Toll Highway Authority  
"Department" - Department of Driver Services within the Office of

SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENTS

the Secretary of State

"Tollway Suspension" - suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in subsection (a-5) of Section 10 of the Toll Highway Act [605 ILCS 10/10(a-5)].

"Rescind" - to make void, repeal or annul.

"Department of Administrative Hearings" - Department of Administrative Hearings within the Office of the Secretary of State.

- b) The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of 5 or more unsatisfied tollway violations, tollway evasions or any combination thereof.
- c) The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or reinstatement of a driver's license the person is required to pay a reinstatement fee pursuant to Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].
- d) The Department shall rescind the suspension:
  - 1) upon receipt of certified evidence from the Authority indicating the certified report was in error; or
  - 2) if the Department received certified evidence indicating that the fines and penalties were satisfied prior to the effective date of the suspension; or
  - 3) upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.
- e) The Authority shall reimburse the Department in the amount of \$20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Secretary.
- f) The Authority shall reimburse the Department in the amount of \$5 per certification from the Authority to suspend the vehicle registration, in order to cover reasonable costs incurred by the Secretary.
- g) The Authority shall reimburse the Department in the amount of \$50 dollars for each administrative hearing conducted by the Secretary in connection with the suspension of the driver's license and/or driving privileges or vehicle registration, in order to cover reasonable costs incurred by the Secretary.

(Source: Amended at 24 Ill. Reg. 16689, effective 01/30/2000)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill Adm. Code 303
- 3) Section Number: 303.130  
303.250  
Emergency Action:  
Amend  
Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].
- 5) Effective Date of Emergency Amendment: October 27, 2000
- 6) If this Emergency Amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: Not applicable.
- 7) Date filed with the Index Department: October 26, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments provide for benefits that were negotiated as part of the union contract. Upon reviewing these benefits, the Department determined that these benefits should also be afforded to non-union employees in order to avoid potential inequities. Therefore, CMS is placing these emergency amendments into effect immediately to extend the benefits to merit compensation and salary grade (non-union) employees.
- 10) A Complete Description of the Subjects and Issues Involved: These Sections are being amended to mirror the collective bargaining agreement.
- 11) Are there any proposed amendments to this Part pending? Yes. These same amendments are simultaneously being proposed in this issue of the Illinois Register.
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 13) Information and questions regarding these Emergency Amendments shall be directed to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF EMERGENCY AMENDMENTS  
TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	Definition of a Grievance
303.10	Procedure
303.20	Grievance Committee
303.30	Representation
303.45	

SUBPART B: LEAVE OF ABSENCE

Section	Sick Leave
303.90	Accumulation of Sick Leave
303.100	Payment in Lieu of Sick Leave
303.102	Reinstatement of Sick Leave
303.105	Advancement of Sick Leave
303.110	Sick Leave Bank
303.112	Veterans Hospital Leave
303.115	Leave for Personal Business
303.125	Maternity/Paternity and Adoption Leave
303.130	EMERGENCY
303.135	On-The-Job Injury -- Industrial Disease
303.140	Leaves of Absence Without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
303.150	Employee Rights After Leave
303.153	Failure to Return
303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

**EMERGENCY**

303.260 Prorated Vacation for Part-Time Employees  
303.270 Vacation Schedule and Loss of Earned Vacation  
303.290 Payment in Lieu of Vacation  
303.295 Vacation Benefits on Death of Employee

## SUBPART C: WORK HOURS AND SCHEDULES

## Section

303.300 Work Schedules  
303.310 Emergency Shut-Down  
303.320 Overtime  
303.330 Overtime Payable Upon Death  
303.340 Attendance Records  
303.350 Notification of Absence  
303.355 Review of Attendance Records

## SUBPART D: UNDATED OR INCOMPLETE FORMS

## Section

303.360 Undated Forms  
303.370 Incomplete Forms

## SUBPART E: EMPLOYEE SEPARATIONS

## Section

303.380 Reason for Separation  
303.385 Repayment of Benefit Time

## SUBPART F: TUITION REIMBURSEMENT

## Section

303.390 Tuition Reimbursement

**AUTHORITY:** Implementing and authorized by the Personnel Code [20 ILCS 415].

**SOURCE:** Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days.

## SUBPART B: LEAVE OF ABSENCE

**Section 303.130 Maternity/Paternity and Adoption Leave  
EMERGENCY**

Covered female members of the State employees' group insurance program who precertify their pregnancy within the first trimester will be eligible for three weeks (15 days) paid maternity leave. Covered members who precertify their spouse's pregnancy within the first trimester will be eligible for two weeks (10 days) paid paternity leave. Employees must submit evidence of notification to the health plan signed by either their physician or health plan to the agency personnel office no later than the 14th week of the pregnancy. The State will require proof of the birth and marriage for a non-covered spouse. A covered member will be eligible for two weeks (10 days) paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided the member can show that the formal adoption process is under way. The agency personnel office must be notified, and the member must submit proof that the adoption process has been initiated. Leaves under this Section are limited to one leave per family, per year. A covered member of the State employees' group insurance program who precertifies the member's or the member's covered dependent's pregnancy within the first two trimesters will be eligible for two weeks or 10 consecutive work days paid maternity/paternity leave after the birth of the child or children. If both the father and the mother are employed by the State, only one parent may be eligible for this leave. An employee with a newly adopted child will be eligible for this two weeks or 10 consecutive work days leave. This leave may also be granted to a State employee whose spouse is not covered by the State's group insurance program when reasonable notification is presented along with verification of marriage and birth or adoption.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days)

**Section 303.250 Vacation Eligibility****EMERGENCY**

a) Employees, except emergency, temporary and those paid pursuant to 80 Ill. Adm. Code 310.230, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

b) purpose of accepting a temporary working assignment in another class. Eligible employee shall earn vacation time in accordance with the following schedule:

- 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
- 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
- 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
- 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
- 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
- 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.

c) Vacation time may be taken in increments of not less than one-half (1/2) hour after a minimum use of one (1) hour one-half hour at a time at any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.

d) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of 1/2 hour or less, the employee shall be deemed to have earned vacation time of 1/2 hour in lieu of the fractional balance; if there remains a fractional balance of more than 1/2 hour, the employee shall be deemed to have earned a full hour of vacation time in lieu of a fractional balance.

e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service. This subsection (e) applies to vacation time earned on or after October 1, 1972.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill Adm Code 310
- 3) Section Numbers: Appendix A, Table P  
Proposed Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)].
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 6) Effective Date: 10/30/00
- 7) A Complete Description of the Subjects and Issues Involved: These amendments to the Pay Plan reflect the newly negotiated four-year RC-029 Collective Bargaining Agreement for the Illinois Federation of Public Employees, effective July 1, 2000 through June 30, 2004.  
Effective July 1, 2000, the monthly pay rates for the RC-029 salary schedule shall be increased by an annualized rate of 3.5%, with a minimum increase of \$100 per month.  
Effective January 1, 2001, a Step 8 shall be established for each salary range at a pay rate 1% higher than Step 7. The classification of Arson Investigator II (Lead Worker) shall increase by \$125 per month.  
Effective July 1, 2001, the monthly pay rates shall be increased by an annualized rate of 3.75%, with a minimum increase of \$100 per month. The salaries for the Breath Alcohol Analysis Technician and Vehicle Compliance Inspector shall be increased one pay grade.  
Effective January 1, 2002, the Step 8 for each salary range shall be increased to a pay rate 1% higher than the Step 7.  
Effective July 1, 2002, the monthly pay rates shall be increased by an annualized rate of 3.75%, with a minimum increase of \$100 per month. The salary for the Liquor Control Special Agent I shall be increased by one pay grade.  
Effective January 1, 2003, the Step 8 for each salary range shall be increased to a pay rate 1% higher than the Step 7.  
Effective July 1, 2003, the monthly pay rates shall be increased by an annualized rate of 4%, with a minimum increase of \$100 per month.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

The Arson Investigator I, II, Commerce Commission Police Officer I, II, and Police Officer I, II, III series shall be placed in a longevity schedule receiving an additional salary increase of \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series. Effective July 1, 2003, those employees reaching 17 years of service shall receive an additional salary increase of \$75 per month.

The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who have attained 15 years of service and have three or more years of creditable service on Step 7 in the same pay grade.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed with the Index Department: October 30, 2000

10) A copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

12) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.280	Amend	24 Ill. Reg. 5802
310.280	Amend	24 Ill. Reg. 7574
310.100	Amend	24 Ill. Reg. 10030
310.110	Amend	24 Ill. Reg. 10030
310.130	Amend	24 Ill. Reg. 10030
310.290	Amend	24 Ill. Reg. 10030
310.490	Amend	24 Ill. Reg. 10030
310.530	Amend	24 Ill. Reg. 10030
310.540	Amend	24 Ill. Reg. 10030
310.Appendix B	Amend	24 Ill. Reg. 10030
310.Appendix C	Amend	24 Ill. Reg. 10030
310.Appendix D	Amend	24 Ill. Reg. 10030
310.Appendix G	Amend	24 Ill. Reg. 10030
310.280	Amend	24 Ill. Reg. 14844
310.280	Amend	24 Ill. Reg. 15486
310.Appendix A, Table AB	New	24 Ill. Reg. 16151

13) Statement of Statewide Policy Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

14) Information and questions regarding this adopted amendment shall be directed to:

Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William Stratton Building  
Springfield IL 62706  
217/782-5601

The full text of the Peremptory Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section  
310.20 Policy and Responsibilities  
310.30 Jurisdiction  
310.40 Pay Schedules  
310.50 Definitions  
310.60 Conversion of Base Salary to Pay Period Units  
310.70 Conversion of Base Salary to Daily or Hourly Equivalents  
310.80 Increases in Pay  
310.90 Decreases in Pay  
310.100 Other Pay Provisions  
310.110 Implementation of Pay Plan Changes for Fiscal Year 2000  
310.120 Interpretation and Application of Pay Plan  
310.130 Effective Date  
310.140 Reinstitution of Within Grade Salary Increases (Repealed)  
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section  
310.205 Introduction  
310.210 Prevailing Rate  
310.220 Negotiated Rate  
310.230 Part-Time Daily or Hourly Special Services Rate  
310.240 Hourly Rate  
310.250 Member, Patient and Inmate Rate  
310.260 Trainee Rate  
310.270 Legislated and Contracted Rate  
310.280 Designated Rate  
310.290 Out-of-State or Foreign Service Rate  
310.300 Educator Schedule for RC-063 and HR-010  
310.310 Physician Specialist Rate  
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections  
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section  
310.410 Jurisdiction  
310.420 Objectives  
310.430 Responsibilities  
310.440 Merit Compensation Salary Schedule  
310.450 Procedures for Determining Annual Merit Increases  
310.455 Intermittent Merit Increase  
310.456 Merit Zone (Repealed)  
310.460 Other Pay Increases  
310.470 Adjustment  
310.480 Decreases in Pay  
310.490 Other Pay Provisions  
310.495 Broad-Band Pay Range Classes  
310.500 Definitions  
310.510 Conversion of Base Salary to Pay Period Units  
310.520 Conversion of Base Salary to Daily or Hourly Equivalents  
310.530 Implementation  
310.540 Annual Merit Increase Guidechart for Fiscal Year 2000  
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)  
TABLE AA NR-916 (Department of Natural Resources, Teamsters)  
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)  
TABLE C RC-069 (Firefighters, AFSCME) (Repealed)  
TABLE D HR-001 (Teamsters Local #726)  
TABLE E RC-020 (Teamsters Local #330)  
TABLE F RC-019 (Teamsters Local #25)  
TABLE G RC-045 (Automotive Mechanics, IFPE)  
TABLE H RC-006 (Corrections Employees, AFSCME)  
TABLE I RC-009 (Institutional Employees, AFSCME)  
TABLE J RC-014 (Clerical Employees, AFSCME)  
TABLE K RC-023 (Registered Nurses, INA)  
TABLE L RC-008 (Boilermakers)  
TABLE M RC-110 (Conservation Police Lodge)  
TABLE N RC-010 (Professional Legal Unit, AFSCME)  
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)  
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)  
TABLE Q RC-033 (Meat Inspectors, IFPE)  
TABLE R RC-042 (Residual Maintenance Workers, AFSCME)  
TABLE S HR-012 (Fair Employment Practices Employees, SEIU)  
TABLE T HR-010 (Teachers of Deaf, IFT)  
TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)  
TABLE V CU-500 (Corrections, Meet and Confer Employees)  
TABLE W RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2000
APPENDIX C	Medical Administrator Rates for Fiscal Year 2000
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2000
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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## NOTICE OF PEREMPTORY AMENDMENTS

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 5291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,



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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19103, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21858, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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## NOTICE OF PEREMPTORY AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

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## NOTICE OF PEREMPTORY AMENDMENTS

effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 310.APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPPE)

Effective:--July-17-1997

	--1	--2	--3	--4	--5	--6	--7
Agricultural-Product-Promoteer	2240	2336	2431	2522	2619	2760	2823
Animal--6-Animal-Products Investigator	2350	2449	2559	2656	2759	2919	2970
Apptary-Inspector	1501	1632	1678	1735	1782	1874	1911
Breath-Alcohol-Analysis-Technician	2463	2570	2675	2784	2888	3060	3121
Commodities-Inspector	1966	2037	2115	2189	2260	2394	2441
Bangerous-Drugs-Compliance Officer-I	2240	2336	2431	2522	2619	2760	2823
Bangerous-Drugs-Compliance Officer-II	2463	2570	2675	2784	2888	3060	3121
Bangerous-Drugs-Compliance Officer-III	2586	2704	2817	2934	3052	3232	3297
Drug-Compliance-Investigator	3575	3750	3926	4108	4281	4546	4637
Environmental-Protection-Begat Investigator-I	1966	2037	2115	2189	2260	2394	2441
Environmental-Protection-Begat Investigator-II	2140	2220	2321	2405	2497	2636	2680
Explosives-Inspector-I	2350	2449	2559	2656	2759	2919	2970
Explosives-Inspector-II	2717	2843	2962	3083	3200	3399	3467
FingerPrint-Technician	2140	2220	2321	2405	2497	2636	2680
Fire-Prevention-Inspector-I	2463	2570	2675	2784	2888	3060	3121
Fire-Prevention-Inspector-II	2866	2999	3135	3264	3394	3596	3660
Guard-I	1634	1688	1742	1793	1846	1937	1977
Guard-II	1814	1879	1950	2013	2082	2192	2236
Guard-III	2049	2124	2211	2293	2371	2504	2554
Licensing-Assistant	1747	1809	1870	1931	1995	2102	2144
Licensing-Investigator-I	2049	2124	2211	2293	2371	2504	2554
Licensing-Investigator-II	2350	2449	2559	2656	2759	2919	2970
Licensing-Investigator-III	2463	2570	2675	2784	2888	3060	3121
Licensing-Investigator-IV	2717	2843	2962	3083	3200	3399	3467
Liquor-Control-Spectal-Agent-I	2240	2336	2431	2522	2619	2760	2823
Motorist-Assistance-Specialist	1747	1809	1870	1931	1995	2102	2144
Plant-a-Pesticide-Specialist-I	2586	2704	2817	2934	3052	3232	3297
Plant-a-Pesticide-Specialist-II	2866	2999	3135	3264	3394	3596	3660
Plumbing-Inspector	3020	3170	3317	3457	3602	3819	3895
Polygraph-Examiner-I	2866	2999	3135	3264	3394	3596	3660
Polygraph-Examiner-II	3197	3340	3506	3657	3808	4041	4121
Polygraph-Examiner-III	3755	3950	3926	4108	4281	4546	4637
Products-a-Standards-Inspector	2350	2449	2559	2656	2759	2919	2970







DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

pay-grade-shall-receive-a-longevity-increase-of-\$50-per-month:

Effective:--October-17-1998

				S-T-B-P-S	
	--1	--2	--3	--4	--5
Vehicle-Emission-Quality	2307	2406	2504	2598	2698
Assurance-Auditor					2851

NOTE:--Those-employees-(non-sworn)-on-Step-7-who--have--attained--15--years--of service--and--have--3-or-more-years-of-creditable-service-on-Step-7-in-the-same pay-grade-shall-receive-a-longevity-increase-of-\$50-per-month:

RG-029-Alternative-Retirement-Formula-Schedule

Effective:---July-17-1998

				S-T-B-P-S	
	--1	--2	--3	--4	--5
Arson-Investigator-I	2069	2909	3113	3238	3429
Arson-Investigator-II	3102	3326	3463	3601	3815
Commerce-Commission	2069	2909	3113	3238	3429
Police-Officer-I					3568
Commerce-Commission	3102	3326	3463	3601	3815
Police-Officer-II	2069	2909	3113	3238	3429
Police-Officer-III	3102	3326	3463	3601	3815
Polygraph-Examiner-III					3969

LONGEVITY

				10-Yrs-	13-Yrs-15-Yrs
				3618-	3668- 3710
				4019-	4069- 4119
				3618-	3668- 3710
				4019-	4069- 4119
				3618-	3668- 3710
				4019-	4069- 4119
				4422-	4472- 4522
				0000-	0000- 0000

Effective:---July-17-1999

				S-T-B-P-S	
	--1	--2	--3	--4	--5
Agricultural-Products-Promoter	2376	2470	2579	2676	2779
Animal-&Animal-Products	2494	2590	2715	2810	2927
Investigator					3097

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Apiary-Inspector	1677	1731	1780	1841	1890	1900	2027
Breath-Alcohol-Analysis-Technician	2613	2726	2838	2954	3064	3247	3311
Commodities-Inspector	2086	2161	2243	2323	2406	2486	2509
Drug-Compliance-Investigator	3792	3979	4165	4358	4541	4822	4919
Environmental-Protection-Begal	2270	2364	2463	2551	2649	2796	2852
Investigator-I							
Environmental-Protection-Begal	2494	2598	2715	2810	2927	3097	3159
Investigator-II							
Explosives-Inspector-I	2494	2598	2715	2810	2927	3097	3159
Explosives-Inspector-II	2083	3016	3143	3270	3403	3606	3670
Fingerprint-Technician	2270	2364	2463	2551	2649	2796	2852
Fire-Prevention-Inspector-I	2613	2726	2838	2954	3064	3247	3311
Fire-Prevention-Inspector-II	3041	3102	3226	3363	3501	3615	3891
Guard-I	1733	1791	1848	1902	1958	2055	2097
Guard-II	1924	1993	2069	2135	2200	2326	2392
Guard-III	2173	2254	2345	2433	2515	2656	2710
Licensing-Assistant	1053	1919	1904	2049	2117	2230	2274
Licensing-Investigator-I	2173	2254	2345	2433	2515	2656	2710
Licensing-Investigator-II	2494	2598	2715	2810	2927	3097	3159
Licensing-Investigator-III	2613	2726	2838	2954	3064	3247	3311
Liquor-Control-Special-Agent-I	2083	3016	3143	3270	3403	3606	3670
Motorist-Assistance-Specialist	2376	2470	2579	2676	2779	2937	2995
Plant-&Pesticide-Specialist-I	1053	1919	1904	2049	2117	2230	2274
Plant-&Pesticide-Specialist-II	2744	2869	2989	3113	3238	3429	3490
Plumbing-Inspector	3041	3102	3226	3363	3501	3615	3891
Polygraph-Examiner-I	3213	3363	3520	3668	3821	4052	4132
Polygraph-Examiner-II	3041	3102	3226	3363	3501	3615	3891
Polygraph-Examiner-III	3392	3551	3719	3880	4040	4287	4372
Products-&Standards-Inspector	3792	3979	4165	4358	4541	4822	4919
Security-Officer	2494	2598	2715	2810	2927	3097	3159
Security-Officer-Sergeant	2270	2364	2463	2551	2649	2796	2852
Seed-Analyst-I	2376	2470	2579	2676	2779	2937	2995
Seed-Analyst-II	2173	2254	2345	2433	2515	2656	2710
Site-Security-Officer	2270	2364	2463	2551	2649	2796	2852
Truck-Weighing-Inspector	1924	1993	2069	2135	2200	2326	2392
Vehicle-Compliance-Inspector	2086	2161	2243	2323	2406	2486	2509
Vehicle-Emission-Quality	2613	2726	2838	2954	3064	3247	3311
Assurance-Auditor	2376	2470	2579	2676	2779	2937	2995
Vehicle-Emissions-Compliance							
Inspector	2270	2364	2463	2551	2649	2796	2852
Vital-Records-Quality-Control	2270	2364	2463	2551	2649	2796	2852
Inspector							
Warehouse-Claims-Specialist	3213	3363	3520	3668	3821	4052	4132
Warehouse-Examiner	2613	2726	2838	2954	3064	3247	3311
Warehouse-Examiner	2083	3016	3143	3270	3403	3606	3670
Specialist							
Well-Inspector-I	2494	2598	2715	2810	2927	3097	3159

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## NOTICE OF PEREMPTORY AMENDMENTS

<b>Well-Inspector-II</b>	2003	3016	3143	3270	3403	3606	3678
<b>RE-029-Alternative-Retirement-Formula-Schedule</b>							
<b>Effective:--July-17-1999</b>							
	--1	--2	--3	--4	--5	--6	--7
<b>Arson-Investigator-I</b>	2955	3079	3206	3335	3532	3603	3675
<b>Arson-Investigator-II</b>	3277	3426	3567	3709	3929	4000	4080
<b>Commerce-Commission</b>	2955	3079	3206	3335	3532	3603	3675
<b>Police-Officer-I</b>	3277	3426	3567	3709	3929	4000	4080
<b>Police-Officer-II</b>	2955	3079	3206	3335	3532	3603	3675
<b>Police-Officer-III</b>	3277	3426	3567	3709	3929	4000	4080
<b>Polygraph-Examiner-III</b>	3494	3650	3831	3996	4161	4416	4503
	3906	4098	4290	4489	4677	4967	5067

## LONGEVITY

10-Yrs-	13-Yrs-15-Yrs
3725-3825	3775-3825
4130-4230	4180-4230
3725-3825	3775-3825
4130-4230	4180-4230
3725-3825	3775-3825
4130-4230	4180-4230
4553-4600	4603-4653
6000-	6000-6000

Effective: July 1, 2000

	1	2	3	4	5	6	7
<b>Agricultural Products Promoter</b>	2476	2578	2679	2776	2879	3040	3100
<b>Animal &amp; Animal Products Investigator</b>	2594	2698	2815	2918	3029	3205	3270
<b>Apiary Inspector</b>	1777	1831	1880	1941	1990	2088	2127
<b>Breath Alcohol Analysis Technician</b>	2713	2826	2938	3057	3171	3361	3427
<b>Commodities Inspector</b>	2186	2261	2343	2423	2506	2640	2689
<b>Drug Compliance Investigator</b>	3925	4118	4311	4511	4700	4991	5091
<b>Environmental Protection Legal Investigator I</b>	2378	2464	2563	2651	2749	2896	2952
<b>Environmental Protection Legal Investigator II</b>	2594	2698	2815	2918	3029	3205	3270
<b>Explosives Inspector I</b>	2594	2698	2815	2918	3029	3205	3270
<b>Explosives Inspector II</b>	2984	3122	3253	3384	3522	3732	3807
<b>Fingerprint Technician</b>	2378	2464	2563	2651	2749	2896	2952

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## NOTICE OF PEREMPTORY AMENDMENTS

<b>Fire Prevention Inspector I</b>	2713	2826	2938	3057	3171	3361	3427
<b>Fire Prevention Inspector II</b>	3147	3293	3442	3584	3727	3949	4027
<b>Guard I</b>	1833	1891	1948	2002	2058	2155	2197
<b>Guard II</b>	2024	2093	2169	2235	2308	2426	2472
<b>Guard III</b>	2273	2354	2445	2533	2615	2756	2810
<b>Licensing Assistant</b>	1953	2019	2084	2149	2217	2330	2374
<b>Licensing Investigator I</b>	2273	2354	2445	2533	2615	2756	2810
<b>Licensing Investigator II</b>	2594	2698	2815	2918	3029	3205	3270
<b>Licensing Investigator III</b>	2713	2826	2938	3057	3171	3361	3427
<b>Licensing Investigator IV</b>	2984	3122	3253	3384	3522	3732	3807
<b>Liquor Control Special Agent I</b>	2476	2578	2679	2776	2879	3040	3100
<b>Motorist Assistance Specialist</b>	1953	2019	2084	2149	2217	2330	2374
<b>Plant &amp; Pesticide Specialist I</b>	2844	2969	3094	3222	3351	3549	3620
<b>Plant &amp; Pesticide Specialist II</b>	3147	3293	3442	3584	3727	3949	4027
<b>Plumbing Inspector</b>	3325	3481	3643	3796	3955	4194	4277
<b>Polygraph Examiner I</b>	3147	3293	3442	3584	3727	3949	4027
<b>Polygraph Examiner II</b>	3511	3675	3849	4016	4181	4437	4525
<b>Polygraph Examiner III</b>	3925	4118	4311	4511	4700	4991	5091
<b>Products &amp; Standards Inspector</b>	2594	2698	2815	2918	3029	3205	3270
<b>Security Officer</b>	2378	2464	2563	2651	2749	2896	2952
<b>Security Officer Sergeant</b>	2476	2578	2679	2776	2879	3040	3100
<b>Seed Analyst I</b>	2273	2354	2445	2533	2615	2756	2810
<b>Seed Analyst II</b>	2378	2464	2563	2651	2749	2896	2952
<b>Site Security Officer</b>	2024	2093	2169	2235	2308	2426	2472
<b>Truck Weighing Inspector</b>	2186	2261	2343	2423	2506	2640	2689
<b>Vehicle Compliance Inspector</b>	2713	2826	2938	3057	3171	3361	3427
<b>Vehicle Emissions Compliance Inspector</b>	2378	2464	2563	2651	2749	2896	2952
<b>Vehicle Emissions Quality Assurance Auditor</b>	2476	2578	2679	2776	2879	3040	3100
<b>Vital Records Quality Control Inspector</b>	2378	2464	2563	2651	2749	2896	2952
<b>Warehouse Claims Specialist</b>	3325	3481	3643	3796	3955	4194	4277
<b>Warehouse Examiner</b>	2713	2826	2938	3057	3171	3361	3427
<b>Warehouse Examiner Specialist</b>	2984	3122	3253	3384	3522	3732	3807
<b>Well Inspector I</b>	2594	2698	2815	2918	3029	3205	3270
<b>Well Inspector II</b>	2984	3122	3253	3384	3522	3732	3807

## RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2000

	1	2	3	4	5	6	7
<b>Arson Investigator I</b>	3058	3187	3318	3452	3656	3729	3804
<b>Arson Investigator II</b>	3392	3546	3692	3839	4067	4148	4231
<b>Arson Investigator</b>	3517	3671	3817	3964	4192	4273	4356

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Licensing Assistant	1953	2019	2084	2143
Licensing Investigator I	2273	2354	2445	2533
Licensing Investigator II	2294	2698	2815	2918
Licensing Investigator III	2713	2826	2938	3057
Licensing Investigator IV	2984	3122	3253	3384
Liquor Control Special Agent I	2476	2578	2679	2776
Motorist Assistance Specialist	1953	2019	2084	2149
Plant & Pesticide Specialist I	2844	2969	3094	3222
Plant & Pesticide Specialist II	3147	3293	3442	3584
Plumbing Inspector	3325	3481	3643	3796
Polygraph Examiner I	3147	3293	3442	3584
Polygraph Examiner II	3511	3675	3849	4016
Polygraph Examiner III	3325	4118	4311	4511
Products & Standards Inspector	2594	2698	2815	2918
Security Officer	2378	2464	2563	2651
Security Officer Sergeant	2776	2879	2976	3077
Seed Analyst I	2273	2354	2445	2533
Seed Analyst II	2378	2464	2563	2651
Site Security Officer	2026	2093	2169	2235
Truck Weighing Inspector	2186	2261	2343	2423
Vehicle Compliance Inspector	2713	2826	2938	3057
Vehicle Emissions Compliance Inspector	2378	2464	2563	2651
Vehicle Emissions Quality Assurance Auditor	2476	2578	2679	2776
Vital Records Quality Control Inspector	2378	2464	2563	2651
Warehouse Claims Specialist	3325	3481	3643	3796
Warehouse Examiner	2713	2826	2938	3057
Warehouse Examiner Specialist	2984	3122	3253	3384
Well Inspector I	2594	2698	2815	2918
Well Inspector II	2984	3122	3253	3384
S T E P S (Contd.)				
5				
Agricultural Product Promoter	2879	3040	3100	3131
Animal & Animal Products Investigator	3029	3205	3270	3303
Apiary Inspector	1990	2088	2127	2148
Breath Alcohol Analysis Technician	3171	3361	3427	3461
Commodities Inspector	2506	2689	2716	2716
Drug Compliance Investigator	4700	4991	5091	5142
Environmental Protection Legal Investigator I	2749	2896	2952	2982
Environmental Protection Legal Investigator II	3029	3205	3270	3303
Explosives Inspector I	3029	3205	3270	3303
Explosives Inspector II	3522	3732	3807	3845

creditable service on step 1 in the same pay grade as the Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

	S T E P S			
	1	2	3	4
<u>Agricultural Product Promoter</u>	2476	2578	2679	2776
<u>Animal &amp; Animal Products</u>	2594	2698	2815	2918
Investigator				
<u>Apiary Inspector</u>	1777	1831	1880	1941
<u>Breath Alcohol Analysis Technician</u>	2713	2826	2938	3057
<u>Commodities Inspector</u>	2186	2261	2343	2423
<u>Drug Compliance Investigator</u>	3925	4118	4311	4511
<u>Environmental Protection Legal</u>	2378	2464	2563	2651
Investigator I				
<u>Environmental Protection Legal</u>	2594	2698	2815	2918
Investigator II				
<u>Explosives Inspector I</u>	2594	2698	2815	2918
<u>Explosives Inspector II</u>	2984	3122	3253	3384
<u>Fingerprint Technician</u>	2378	2464	2563	2651
<u>Fire Prevention Inspector I</u>	2713	2826	2938	3057
<u>Fire Prevention Inspector II</u>	3147	3293	3442	3584
Guard I	1833	1891	1948	2002
Guard II	2024	2093	2169	2235
Guard III	2273	2354	2445	2533



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Fingerprint Technician	2749	2896	2952	2982
Fire Prevention Inspector I	3171	3361	3427	3461
Fire Prevention Inspector II	3727	3949	4027	4067
Guard I	2058	2155	2197	2219
Guard II	2308	2426	2472	2497
Guard III	2615	2756	2810	2838
Licensing Assistant	2217	2330	2374	2398
Licensing Investigator I	2615	2756	2810	2838
Licensing Investigator II	3029	3205	3270	3303
Licensing Investigator III	3171	3361	3427	3461
Licensing Investigator IV	3522	3732	3807	3845
Liquor Control Special Agent I	2879	3040	3100	3131
Motorist Assistance Specialist	2217	2330	2374	2398
Plant & Pesticide Specialist I	3351	3549	3620	3656
Plant & Pesticide Specialist II	3727	3949	4027	4067
Plumbing Inspector	3955	4194	4277	4320
Polygraph Examiner I	3727	3949	4027	4067
Polygraph Examiner II	4181	4437	4525	4570
Polygraph Examiner III	4700	4991	5091	5142
Products & Standards Inspector	3029	3205	3270	3303
Security Officer	2749	2896	2952	2982
Security Officer Sergeant	2879	3040	3100	3131
Seed Analyst I	2615	2756	2810	2838
Seed Analyst II	2749	2896	2952	2982
Site Security Officer	2308	2426	2472	2497
Truck Weighing Inspector	2506	2640	2689	2716
Vehicle Compliance Inspector	3171	3361	3427	3461
Vehicle Emissions Compliance Inspector	2749	2896	2952	2982
Vehicle Emissions Quality Assurance Auditor	2879	3040	3100	3131
Vital Records Quality Control Inspector	2749	2896	2952	2982
Warehouse Claims Specialist	3955	4194	4277	4320
Warehouse Examiner	3171	3361	3427	3461
Warehouse Examiner Specialist	3522	3732	3807	3845
Well Inspector I	3029	3205	3270	3303
Well Inspector II	3522	3732	3807	3845

RC-029 Alternative Retirement Formula Schedule

Effective January 1, 2001

S T E P S				
1	2	3	4	
Arson Investigator I	3058	3187	3318	3452
Arson Investigator II	3392	3546	3692	3839
Arson Investigator III	3517	3671	3817	3964

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

(Lead Worker)				
Commerce Commission	3058	3187	3318	3452
Police Officer I				
Commerce Commission	3392	3546	3692	3839
Police Officer II				
Licensing Investigator III	2791	2908	3025	3150
Police Officer I	3058	3187	3318	3452
Police Officer II	3392	3546	3692	3839
Police Officer III	3616	3786	3965	4136
Polygraph Examiner III	4043	4241	4440	4646
Security Officer	2446	2535	2637	2728
Security Officer Sergeant	2547	2652	2756	2856
S T E P S (Contd.)				
	5	6	7	8
Arson Investigator I	3656	3729	3804	3842
Arson Investigator II	4067	4148	4231	4273
Arson Investigator III	4192	4273	4356	4400
(Lead Worker)				
Commerce Commission	3656	3729	3804	3842
Police Officer I				
Commerce Commission	4067	4148	4231	4273
Police Officer II				
Licensing Investigator III	3266	3461	3529	3564
Police Officer I	3656	3729	3804	3842
Police Officer II	4067	4148	4231	4273
Police Officer III	4307	4571	4661	4708
Polygraph Examiner III	4841	5141	5244	5296
Security Officer	2828	2981	3041	3071
Security Officer Sergeant	2962	3131	3193	3225

Note: The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: July 1, 2001

S T E P S				
1	2	3	4	
Agricultural Product Promoter	2576	2678	2779	2880
Animal & Animal Products Investigator	2694	2799	2921	3027
Apiary Inspector	1877	1931	1980	2041

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Breath Alcohol Analysis Technician	2951	3080	3210	3343
Commodities Inspector	2286	2361	2443	2523
Drug Compliance Investigator	4072	4272	4473	4680
Environmental Protection Legal Investigator I	2478	2564	2663	2751
Environmental Protection Legal Investigator II	2694	2799	2921	3027
Explosives Inspector I	2694	2799	2921	3027
Explosives Inspector II	3096	3239	3375	3511
Fingerprint Technician	2478	2564	2663	2751
Fire Prevention Inspector I	2815	2932	3048	3172
Fire Prevention Inspector II	3265	3416	3571	3718
Guard I	1933	1991	2048	2102
Guard II	2124	2193	2269	2335
Guard III	2373	2454	2545	2633
Licensing Assistant	2053	2119	2184	2249
Licensing Investigator I	2373	2454	2545	2633
Licensing Investigator II	2694	2799	2921	3027
Licensing Investigator III	2815	2932	3048	3172
Licensing Investigator IV	3096	3239	3375	3511
Liquor Control Special Agent I	2576	2678	2779	2880
Motorist Assistance Specialist	2053	2119	2184	2249
Plant & Pesticide Specialist I	2951	3080	3210	3343
Plant & Pesticide Specialist II	3265	3416	3571	3718
Plumbing Inspector	3450	3612	3780	3938
Polygraph Examiner I	3265	3416	3571	3718
Polygraph Examiner II	3643	3813	3993	4167
Polygraph Examiner III	4072	4272	4473	4680
Products & Standards Inspector	2694	2799	2921	3027
Security Officer	2478	2564	2663	2751
Security Officer Sergeant	2576	2678	2779	2880
Seed Analyst I	2373	2454	2545	2633
Seed Analyst II	2478	2564	2663	2751
Site Security Officer	2124	2193	2269	2335
Truck Weighing Inspector	2286	2361	2443	2523
Vehicle Compliance Inspector	2951	3080	3210	3343
Vehicle Emissions Compliance Inspector	2576	2678	2779	2880
Vehicle Emissions Quality Assurance Auditor	2478	2564	2663	2751
Vital Records Quality Control Inspector	2478	2564	2663	2751
Warehouse Claims Specialist	3450	3612	3780	3938
Warehouse Examiner	2815	2932	3048	3172
Warehouse Examiner Specialist	3096	3239	3375	3511
Well Inspector I	2694	2799	2921	3027
Well Inspector II	3096	3239	3375	3511

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

	S T E P S (Contd.)				
	5	6	7	8	
Agricultural Product Promoter	2987	3154	3216	3248	
Animal & Animal Products Investigator	3143	3325	3393	3427	
Apiary Inspector	2090	2188	2227	2249	
Breath Alcohol Analysis Technician	3477	3682	3756	3794	
Commodities Inspector	2606	2740	2790	2818	
Drug Compliance Investigator	4876	5178	5282	5335	
Environmental Protection Legal Investigator I	2852	3005	3063	3094	
Environmental Protection Legal Investigator II	3143	3325	3393	3427	
Explosives Inspector I	3143	3325	3393	3427	
Explosives Inspector II	3654	3872	3950	3990	
Fingerprint Technician	2852	3005	3063	3094	
Fire Prevention Inspector I	3290	3487	3556	3592	
Fire Prevention Inspector II	3867	4097	4178	4220	
Guard I	2158	2255	2297	2320	
Guard II	2408	2526	2572	2598	
Guard III	2715	2859	2915	2944	
Licensing Assistant	2317	2430	2474	2499	
Licensing Investigator I	2715	2859	2915	2944	
Licensing Investigator II	3143	3325	3393	3427	
Licensing Investigator III	3290	3487	3556	3592	
Licensing Investigator IV	3654	3872	3950	3990	
Liquor Control Special Agent I	2987	3154	3216	3248	
Motorist Assistance Specialist	2317	2430	2474	2499	
Plant & Pesticide Specialist I	3477	3682	3756	3794	
Plant & Pesticide Specialist II	3867	4097	4178	4220	
Plumbing Inspector	4103	4351	4437	4481	
Polygraph Examiner I	3867	4097	4178	4220	
Polygraph Examiner II	4338	4603	4695	4742	
Polygraph Examiner III	4876	5178	5282	5335	
Products & Standards Inspector	3143	3325	3393	3427	
Security Officer	2852	3005	3063	3094	
Security Officer Sergeant	2987	3154	3216	3248	
Seed Analyst I	2715	2859	2915	2944	
Seed Analyst II	2852	3005	3063	3094	
Site Security Officer	2408	2526	2572	2598	
Truck Weighing Inspector	2606	2740	2790	2818	
Vehicle Compliance Inspector	3477	3682	3756	3794	
Vehicle Emissions Compliance Inspector	2987	3154	3216	3248	
Vehicle Emissions Quality Assurance Auditor	2852	3005	3063	3094	
Vital Records Quality Control Inspector	2852	3005	3063	3094	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Warehouse Claims Specialist	4103	4351	4437	4481
Warehouse Examiner	3290	3487	3556	3592
Warehouse Examiner Specialist	3654	3872	3950	3990
Well Inspector I	3143	3325	3393	3427
Well Inspector II	3654	3872	3950	3990

## RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2001

	S T E P S			
	1	2	3	4
Arson Investigator I	3173	3307	3442	3581
Arson Investigator II	3519	3679	3830	3983
Arson Investigator II (Lead Worker)	3644	3804	3955	4108
Commerce Commission Police Officer I	3173	3307	3442	3581
Commerce Commission Police Officer II	3519	3679	3830	3983
Licensing Investigator III	2896	3017	3138	3268
Police Officer I	3173	3307	3442	3581
Police Officer II	3519	3679	3830	3983
Police Officer III	3752	3928	4114	4291
Polygraph Examiner III	4195	4400	4607	4820
Security Officer	2546	2635	2737	2830
Security Officer Sergeant	2647	2752	2859	2963

	S T E P S (Contd.)			
	5	6	7	8
Arson Investigator I	3793	3869	3947	3986
Arson Investigator II	4220	4304	4390	4434
Arson Investigator II (Lead Worker)	4345	4429	4515	4559
Commerce Commission Police Officer I	3793	3869	3947	3986
Commerce Commission Police Officer II	4220	4304	4390	4434
Licensing Investigator III	3388	3591	3661	3698
Police Officer I	3793	3869	3947	3986
Police Officer II	4220	4304	4390	4434
Police Officer III	4469	4742	4836	4884
Polygraph Examiner III	5023	5334	5441	5495
Security Officer	2934	3093	3155	3187
Security Officer Sergeant	3073	3248	3313	3346

Note: The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

creditable service on Step 7 in the same pay grade.  
The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: January 1, 2002

	S T E P S			
	1	2	3	4
Agricultural Product Promoter	2576	2678	2779	2880
Animal & Animal Products Investigator	2694	2799	2921	3027
Apiary Inspector	1877	1931	1980	2041
Breath Alcohol Analysis Technician	2951	3080	3210	3343
Commodities Inspector	2286	2361	2443	2523
Drug Compliance Investigator	4072	4272	4473	4680
Environmental Protection Legal Investigator I	2478	2564	2663	2751
Environmental Protection Legal Investigator II	2694	2799	2921	3027
Explosives Inspector I	2694	2799	2921	3027
Explosives Inspector II	3096	3239	3375	3511
Fingerprint Technician	2478	2564	2663	2751
Fire Prevention Inspector I	2815	2932	3048	3172
Fire Prevention Inspector II	3265	3416	3571	3718
Guard I	1933	1991	2048	2102
Guard II	2124	2193	2269	2335
Guard III	2373	2454	2545	2633
Licensing Assistant	2053	2119	2184	2249
Licensing Investigator I	2373	2454	2545	2633
Licensing Investigator II	2694	2799	2921	3027
Licensing Investigator III	2815	2932	3048	3172
Licensing Investigator IV	3096	3239	3375	3511
Liquor Control Special Agent I	2576	2678	2779	2880
Motorist Assistance Specialist	2053	2119	2184	2249
Plant & Pesticide Specialist I	2951	3080	3210	3343
Plant & Pesticide Specialist II	3265	3416	3571	3718
Plumbing Inspector	3450	3612	3780	3938
Polygraph Examiner I	3265	3416	3571	3718
Polygraph Examiner II	3643	3813	3993	4167
Polygraph Examiner III	4072	4272	4473	4680
Products & Standards Inspector	2694	2799	2921	3027
Security Officer	2478	2564	2663	2751
Security Officer Sergeant	2576	2678	2779	2880
Seed Analyst I	2373	2454	2545	2633
Seed Analyst II	2478	2564	2663	2751



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Site Security Officer	2124	2193	2269	2335
Truck Weighing Inspector	2286	2361	2443	2523
Vehicle Compliance Inspector	2951	3080	3210	3343
Vehicle Emissions Compliance Inspector	2576	2678	2779	2880
Vehicle Emissions Quality Assurance Auditor	2478	2564	2663	2751
Vital Records Quality Control Inspector	2478	2564	2663	2751
Warehouse Claims Specialist	3450	3612	3780	3938
Warehouse Examiner	2815	2932	3048	3172
Warehouse Examiner Specialist	3096	3239	3375	3511
Well Inspector I	2694	2799	2921	3027
Well Inspector II	3096	3239	3375	3511
S T E P S (Contd.)				
	5	6	7	8
Agricultural Product Promoter	2987	3154	3216	3280
Animal & Animal Products Investigator	3143	3325	3393	3461
Apiary Inspector	2090	2188	2227	2272
Breath Alcohol Analysis Technician	3477	3682	3756	3831
Commodities Inspector	2606	2740	2790	2846
Drug Compliance Investigator	4876	5178	5282	5388
Environmental Protection Legal Investigator I	2852	3005	3063	3124
Environmental Protection Legal Investigator II	3143	3325	3393	3461
Explosives Inspector I	3143	3325	3393	3461
Explosives Inspector II	3654	3872	3950	4029
Fingerprint Technician	2852	3005	3063	3124
Fire Prevention Inspector I	3290	3487	3556	3627
Fire Prevention Inspector II	3867	4097	4178	4262
Guard I	2158	2255	2297	2343
Guard II	2408	2526	2572	2623
Guard III	2715	2859	2915	2973
Licensing Assistant	2317	2430	2474	2523
Licensing Investigator I	2715	2859	2915	2973
Licensing Investigator II	3143	3325	3393	3461
Licensing Investigator III	3290	3487	3556	3627
Licensing Investigator IV	3654	3872	3950	4029
Liquor Control Special Agent I	2987	3154	3216	3280
Motorist Assistance Specialist	2317	2430	2474	2523
Plant & Pesticide Specialist I	3477	3682	3756	3831
Plant & Pesticide Specialist II	3867	4097	4178	4262
Plumbing Inspector	4103	4351	4437	4526
Polygraph Examiner I	3867	4097	4178	4262
Polygraph Examiner II	4338	4603	4695	4789

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Polygraph Examiner III	4876	5178	5282	5388
Products & Standards Inspector	3143	3325	3393	3461
Security Officer	2852	3005	3063	3124
Security Officer Sergeant	2987	3154	3216	3280
Seed Analyst I	2715	2859	2915	2973
Seed Analyst II	2852	3005	3063	3124
Site Security Officer	2408	2526	2572	2623
Truck Weighing Inspector	2606	2740	2790	2846
Vehicle Compliance Inspector	3477	3682	3756	3831
Vehicle Emissions Compliance Inspector	2987	3154	3216	3280
Vehicle Emissions Quality Assurance Auditor	2852	3005	3063	3124
Vital Records Quality Control Inspector	2852	3005	3063	3124
Warehouse Claims Specialist	4103	4351	4437	4526
Warehouse Examiner	3290	3487	3556	3627
Warehouse Examiner Specialist	3654	3872	3950	4029
Well Inspector I	3143	3325	3393	3461
Well Inspector II	3654	3872	3950	4029
RC-029 Alternative Retirement Formula Schedule				
Effective January 1, 2002				
	1	2	3	4
Arson Investigator I	3173	3307	3442	3581
Arson Investigator II	3519	3679	3830	3983
Arson Investigator II (Lead Worker)	3644	3804	3955	4108
Commerce Commission Police Officer I	3173	3307	3442	3581
Commerce Commission Police Officer II	3519	3679	3830	3983
Licensing Investigator III	2896	3017	3138	3268
Police Officer I	3173	3307	3442	3581
Police Officer II	3519	3679	3830	3983
Police Officer III	3752	3928	4114	4291
Polygraph Examiner III	4195	4400	4607	4820
Security Officer	2546	2635	2737	2830
Security Officer Sergeant	2647	2752	2859	2963
S T E P S (Contd.)				
	5	6	7	8
Arson Investigator I	3793	3869	3947	4026
Arson Investigator II	4220	4304	4390	4478
Arson Investigator II	4345	4429	4515	4603

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

(Lead Worker)					
Commerce Commission	3793	3869	3947	4026	
Police Officer I					
Commerce Commission	4220	4304	4390	4478	
Police Officer II					
Licensing Investigator III	3388	3591	3661	3734	
Police Officer I	3793	3869	3947	4026	
Police Officer II	4220	4304	4390	4478	
Police Officer III	4469	4742	4836	4933	
Polygraph Examiner III	5023	5334	5441	5550	
Security Officer	2934	3093	3155	3218	
Security Officer Sergeant	3073	3248	3313	3379	

Note: The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: July 1, 2002

## S T E P S

	1	2	3	4
Agricultural Product Promoter	2676	2778	2883	2988
Animal & Animal Products Investigator	2795	2904	3031	3141
Apiary Inspector	1977	2031	2080	2141
Breath Alcohol Analysis Technician	3058	3191	3326	3464
Commodities Inspector	2386	2461	2543	2623
Drug Compliance Investigator	4225	4432	4641	4856
Environmental Protection Legal Investigator I	2578	2664	2763	2854
Environmental Protection Legal Investigator II	2795	2904	3031	3141
Explosives Inspector I	2795	2904	3031	3141
Explosives Inspector II	3212	3360	3502	3643
Fingerprint Technician	2578	2664	2763	2854
Fire Prevention Inspector I	2921	3042	3162	3291
Fire Prevention Inspector II	3387	3544	3705	3857
Guard I	2033	2091	2148	2202
Guard II	2224	2293	2369	2435
Guard III	2473	2554	2645	2733
Licensing Assistant	2153	2219	2284	2349
Licensing Investigator I	2473	2554	2645	2733
Licensing Investigator II	2795	2904	3031	3141

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Licensing Investigator III	2921	3042	3162	3291
Licensing Investigator IV	3212	3360	3502	3643
Liquor Control Special Agent I	2795	2904	3031	3141
Motorist Assistance Specialist	2153	2219	2284	2349
Plant & Pesticide Specialist I	3062	3196	3330	3468
Plant & Pesticide Specialist II	3387	3544	3705	3857
Plumbing Inspector	3579	3747	3922	4086
Polygraph Examiner I	3387	3544	3705	3857
Polygraph Examiner II	3780	3956	4143	4323
Polygraph Examiner III	4225	4432	4641	4856
Products & Standards Inspector	2795	2904	3031	3141
Security Officer	2578	2664	2763	2854
Security Officer Sergeant	2676	2778	2883	2988
Seed Analyst I	2473	2554	2645	2733
Seed Analyst II	2578	2664	2763	2854
Site Security Officer	2224	2293	2369	2435
Truck Weighing Inspector	2386	2461	2543	2623
Vehicle Compliance Inspector	3058	3191	3326	3464
Vehicle Emissions Compliance Inspector	2676	2778	2883	2988
Vehicle Emissions Quality Assurance Auditor	2578	2664	2763	2854
Vital Records Quality Control Inspector	2578	2664	2763	2854
Warehouse Claims Specialist	3579	3747	3922	4086
Warehouse Examiner	2921	3042	3162	3291
Warehouse Examiner Specialist	3212	3360	3502	3643
Well Inspector I	2795	2904	3031	3141
Well Inspector II	3212	3360	3502	3643

## S T E P S (Contd.)

	5	6	7	8
Agricultural Product Promoter	3099	3272	3337	3404
Animal & Animal Products Investigator	3261	3450	3520	3590
Apiary Inspector	2190	2288	2327	2374
Breath Alcohol Analysis Technician	3603	3815	3892	3970
Commodities Inspector	2706	2843	2895	2953
Drug Compliance Investigator	5059	5372	5480	5590
Environmental Protection Legal Investigator I	2959	3118	3178	3242
Environmental Protection Legal Investigator II	3261	3450	3520	3590
Explosives Inspector I	3261	3450	3520	3590
Explosives Inspector II	3791	4017	4098	4180
Fingerprint Technician	2959	3118	3178	3242
Fire Prevention Inspector I	3413	3618	3689	3763
Fire Prevention Inspector II	4012	4251	4335	4422

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Guard I	2258	2355	2397	2445
Guard II	2508	2626	2672	2725
Guard III	2817	2966	3024	3084
Licensing Assistant	2417	2530	2574	2625
Licensing Investigator I	2817	2966	3024	3084
Licensing Investigator II	3261	3450	3520	3590
Licensing Investigator III	3413	3618	3689	3763
Licensing Investigator IV	3791	4017	4098	4180
Liquor Control Special Agent I	3261	3450	3520	3590
Motorist Assistance Specialist	2417	2530	2574	2625
Plant & Pesticide Specialist I	3607	3820	3897	3975
Plant & Pesticide Specialist II	4012	4251	4335	4422
Plumbing Inspector	4257	4514	4603	4695
Polygraph Examiner I	4012	4251	4335	4422
Polygraph Examiner II	4501	4776	4871	4968
Polygraph Examiner III	5059	5372	5480	5590
Products & Standards Inspector	3261	3450	3520	3590
Security Officer	2959	3118	3178	3242
Security Officer Sergeant	3099	3272	3337	3404
Seed Analyst I	2817	2966	3024	3084
Seed Analyst II	2959	3118	3178	3242
Site Security Officer	2508	2626	2672	2725
Truck Weighing Inspector	2706	2843	2895	2953
Vehicle Compliance Inspector	3603	3815	3892	3970
Vehicle Emissions Compliance Inspector	3099	3272	3337	3404
Vehicle Emissions Quality Assurance Auditor	2959	3118	3178	3242
Vital Records Quality Control Inspector	2959	3118	3178	3242
Warehouse Claims Specialist	4257	4514	4603	4695
Warehouse Examiner	3413	3618	3689	3763
Warehouse Examiner Specialist	3791	4017	4098	4180
Well Inspector I	3261	3450	3520	3590
Well Inspector II	3791	4017	4098	4180

## RC-029 Alternative Retirement Formula Schedule

Effective January 1, 2002

S T E P S				
1	2	3	4	
Arson Investigator I	3292	3431	3571	3715
Arson Investigator II	3651	3817	3974	4132
Arson Investigator III (Lead Worker)	3776	3942	4099	4257
Commerce Commission Police Officer I	3292	3431	3571	3715

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Commerce Commission	3651	3817	3974	4132
Police Officer II	3005	3130	3256	3391
Licensing Investigator III	3292	3431	3571	3715
Police Officer I	3651	3817	3974	4132
Police Officer II	3893	4075	4268	4452
Police Officer III	4352	4565	4780	5001
Polygraph Examiner III	2646	2735	2840	2938
Security Officer	2747	2855	2966	3074
Security Officer Sergeant	2747	2855	2966	3074
S T E P S (Contd.)				
5	6	7	8	
Arson Investigator I	3935	4014	4095	4177
Arson Investigator II	4378	4465	4555	4646
Arson Investigator III (Lead Worker)	4503	4590	4680	4771
Commerce Commission	3935	4014	4095	4177
Police Officer I	4378	4465	4555	4646
Commerce Commission	3515	3726	3798	3874
Licensing Investigator III	3935	4014	4095	4177
Police Officer I	4378	4465	4555	4646
Police Officer II	4637	4920	5017	5117
Police Officer III	5211	5534	5645	5758
Polygraph Examiner III	3044	3209	3273	3338
Security Officer	3188	3370	3437	3506
Security Officer Sergeant	3188	3370	3437	3506

Note: The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: January 1, 2003

S T E P S				
1	2	3	4	
Agricultural Product Promoter	2676	2778	2883	2988
Animal & Animal Products Investigator	2795	2904	3031	3141
Apiary Inspector	1977	2031	2080	2141
Breath Alcohol Analysis Technician	2386	2461	2543	2623
Commodities Inspector	2386	2461	2543	2623
Drug Compliance Investigator	4225	4432	4641	4856



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Environmental Protection Legal Investigator I	2578	2664	2763	2854
Environmental Protection Legal Investigator II	2795	2904	3031	3141
Explosives Inspector I	2795	2904	3031	3141
Explosives Inspector II	3212	3360	3502	3643
Fingerprint Technician	2578	2664	2763	2854
Fire Prevention Inspector I	2921	3042	3162	3291
Fire Prevention Inspector II	3387	3544	3705	3857
Guard I	2033	2091	2148	2202
Guard II	2224	2293	2369	2435
Guard III	2473	2554	2645	2733
Licensing Assistant	2153	2219	2284	2349
Licensing Investigator I	2473	2554	2645	2733
Licensing Investigator II	2795	2904	3031	3141
Licensing Investigator III	2921	3042	3162	3291
Licensing Investigator IV	3212	3360	3502	3643
Liquor Control Special Agent I	2795	2904	3031	3141
Motorist Assistance Specialist	2153	2219	2284	2349
Plant & Pesticide Specialist I	3062	3196	3330	3468
Plant & Pesticide Specialist II	3387	3544	3705	3857
Plumbing Inspector	3579	3747	3922	4086
Polygraph Examiner I	3387	3544	3705	3857
Polygraph Examiner II	3780	3956	4143	4323
Polygraph Examiner III	4225	4432	4641	4856
Products & Standards Inspector	2795	2904	3031	3141
Security Officer	2578	2664	2763	2854
Security Officer Sergeant	2676	2778	2883	2988
Seed Analyst I	2473	2554	2645	2733
Seed Analyst II	2578	2664	2763	2854
Site Security Officer	2224	2293	2369	2435
Truck Weighing Inspector	2386	2461	2543	2623
Vehicle Compliance Inspector	3058	3191	3326	3464
Vehicle Emissions Compliance Inspector	2676	2778	2883	2988
Vehicle Emissions Quality Assurance Auditor	2578	2664	2763	2854
Vital Records Quality Control Inspector	2578	2664	2763	2854
Warehouse Claims Specialist	3579	3747	3922	4086
Warehouse Examiner	2921	3042	3162	3291
Warehouse Examiner Specialist	3212	3360	3502	3643
Well Inspector I	2795	2904	3031	3141
Well Inspector II	3212	3360	3502	3643

S. T. E. P. S. (Contd.)

5	6	7	8
3099	3272	3337	3437

Agricultural Product Promoter

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Animal & Animal Products Investigator	3261	3450	3520	3626
Apiary Inspector	2190	2288	2327	2397
Breath Alcohol Analysis Technician	3603	3815	3892	4009
Commodities Inspector	2706	2843	2895	2982
Drug Compliance Investigator	5059	5372	5480	5644
Environmental Protection Legal Investigator I	2959	3118	3178	3273
Environmental Protection Legal Investigator II	3261	3450	3520	3626
Explosives Inspector I	3261	3450	3520	3626
Explosives Inspector II	3791	4017	4098	4221
Fingerprint Technician	2959	3118	3178	3273
Fire Prevention Inspector I	3413	3618	3689	3800
Fire Prevention Inspector II	4012	4251	4335	4465
Guard I	2258	2355	2397	2469
Guard II	2508	2626	2672	2752
Guard III	2817	2966	3024	3115
Licensing Assistant	2417	2530	2574	2651
Licensing Investigator I	2817	2966	3024	3115
Licensing Investigator II	3261	3450	3520	3626
Licensing Investigator III	3413	3618	3689	3800
Licensing Investigator IV	3791	4017	4098	4221
Liquor Control Special Agent I	3261	3450	3520	3626
Motorist Assistance Specialist	2417	2530	2574	2651
Plant & Pesticide Specialist I	3607	3820	3897	4014
Plant & Pesticide Specialist II	4012	4251	4335	4465
Plumbing Inspector	4257	4514	4603	4741
Polygraph Examiner I	4012	4251	4335	4465
Polygraph Examiner II	4501	4776	4871	5017
Polygraph Examiner III	5059	5372	5480	5644
Products & Standards Inspector	3261	3450	3520	3626
Security Officer	2959	3118	3178	3273
Security Officer Sergeant	3099	3272	3337	3437
Seed Analyst I	2817	2966	3024	3115
Seed Analyst II	2959	3118	3178	3273
Site Security Officer	2508	2626	2672	2752
Truck Weighing Inspector	2706	2843	2895	2982
Vehicle Compliance Inspector	3603	3815	3892	4009
Vehicle Emissions Compliance Inspector	3099	3272	3337	3437
Vehicle Emissions Quality Assurance Auditor	2959	3118	3178	3273
Vital Records Quality Control Inspector	2959	3118	3178	3273
Warehouse Claims Specialist	4257	4514	4603	4741
Warehouse Examiner	3413	3618	3689	3800
Warehouse Examiner Specialist	3791	4017	4098	4221

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Well Inspector I	3261	3450	3520	3626
Well Inspector II	3791	4017	4098	4221

## RC-029 Alternative Retirement Formula Schedule

Effective January 1, 2003

	S T E P S			
	1	2	3	4
Arson Investigator I	3292	3431	3571	3715
Arson Investigator II	3651	3817	3974	4132
Arson Investigator II (Lead Worker)	3776	3942	4099	4257
Commerce Commission Police Officer I	3292	3431	3571	3715
Commerce Commission Police Officer II	3651	3817	3974	4132
Licensing Investigator III	3005	3130	3256	3391
Police Officer I	3292	3431	3571	3715
Police Officer II	3651	3817	3974	4132
Police Officer III	3893	4075	4268	4452
Polygraph Examiner III	4352	4565	4780	5001
Security Officer	2646	2735	2840	2936
Security Officer Sergeant	2747	2855	2966	3074

## S T E P S (Contd.)

	5	6	7	8
Arson Investigator I	3935	4014	4095	4218
Arson Investigator II	4378	4465	4555	4692
Arson Investigator II (Lead Worker)	4503	4590	4680	4817
Commerce Commission Police Officer I	3935	4014	4095	4218
Commerce Commission Police Officer II	4378	4465	4555	4692
Licensing Investigator III	3515	3726	3798	3912
Police Officer I	3935	4014	4095	4218
Police Officer II	4378	4465	4555	4692
Police Officer III	4637	4920	5017	5168
Polygraph Examiner III	5211	5534	5645	5814
Security Officer	3044	3209	3273	3371
Security Officer Sergeant	3188	3370	3437	3540

Note: The Step 7 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: July 1, 2003

	S T E P S			
	1	2	3	4
Agricultural Product Promoter	2783	2889	2998	3108
Animal & Animal Products Investigator	2907	3020	3152	3267
Apiary Inspector	2077	2131	2180	2241
Breath Alcohol Analysis Technician	3165	3302	3442	3585
Commodities Inspector	2486	2561	2645	2728
Drug Compliance Investigator	4394	4609	4827	5050
Environmental Protection Legal Investigator I	2681	2771	2874	2968
Environmental Protection Legal Investigator II	2907	3020	3152	3267
Explosives Inspector I	2907	3020	3152	3267
Explosives Inspector II	3340	3494	3642	3789
Fingerprint Technician	2681	2771	2874	2968
Fire Prevention Inspector I	3038	3164	3288	3423
Fire Prevention Inspector II	3522	3686	3853	4011
Guard I	2133	2191	2248	2302
Guard II	2324	2393	2469	2535
Guard III	2573	2656	2751	2842
Licensing Assistant	2253	2319	2384	2449
Licensing Investigator I	2573	2656	2751	2842
Licensing Investigator II	2907	3020	3152	3267
Licensing Investigator III	3038	3164	3288	3423
Licensing Investigator IV	3340	3494	3642	3789
Liquor Control Special Agent I	2907	3020	3152	3267
Motorist Assistance Specialist	2253	2319	2384	2449
Plant & Pesticide Specialist I	3184	3324	3463	3607
Plant & Pesticide Specialist II	3522	3686	3853	4011
Plumbing Inspector	3722	3897	4079	4249
Polygraph Examiner I	3522	3686	3853	4011
Polygraph Examiner II	3931	4114	4309	4496
Polygraph Examiner III	4394	4609	4827	5050
Products & Standards Inspector	2907	3020	3152	3267
Security Officer	2681	2771	2874	2968
Security Officer Sergeant	2783	2889	2998	3108
Seed Analyst I	2573	2656	2751	2842
Seed Analyst II	2681	2771	2874	2968
Site Security Officer	2324	2393	2469	2535
Truck Weighing Inspector	2486	2561	2645	2728
Vehicle Compliance Inspector	3165	3302	3442	3585

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

<u>Vehicle Emissions Compliance Inspector</u>	<u>2783</u>	<u>2889</u>	<u>2998</u>	<u>3108</u>
<u>Vehicle Emissions Quality Assurance Auditor</u>	<u>2681</u>	<u>2771</u>	<u>2874</u>	<u>2968</u>
<u>Vital Records Quality Control Inspector</u>	<u>2681</u>	<u>2771</u>	<u>2874</u>	<u>2968</u>
<u>Warehouse Claims Specialist</u>	<u>3722</u>	<u>3897</u>	<u>4079</u>	<u>4249</u>
<u>Warehouse Examiner</u>	<u>3038</u>	<u>3164</u>	<u>3288</u>	<u>3423</u>
<u>Warehouse Examiner Specialist</u>	<u>3340</u>	<u>3494</u>	<u>3642</u>	<u>3789</u>
<u>Well Inspector I</u>	<u>2907</u>	<u>3020</u>	<u>3152</u>	<u>3267</u>
<u>Well Inspector II</u>	<u>3340</u>	<u>3494</u>	<u>3642</u>	<u>3789</u>

## S T E P S (Contd.)

	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Agricultural Product Promoter</u>	<u>3223</u>	<u>3403</u>	<u>3470</u>	<u>3574</u>
<u>Animal &amp; Animal Products Investigator</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Apiary Inspector</u>	<u>2290</u>	<u>2388</u>	<u>2427</u>	<u>2500</u>
<u>Breath Alcohol Analysis Technician</u>	<u>3729</u>	<u>3948</u>	<u>4028</u>	<u>4149</u>
<u>Commodities Inspector</u>	<u>2814</u>	<u>2957</u>	<u>3011</u>	<u>3101</u>
<u>Drug Compliance Investigator</u>	<u>5261</u>	<u>5587</u>	<u>5699</u>	<u>5870</u>
<u>Environmental Protection Legal Investigator I</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>

<u>Environmental Protection Legal Investigator II</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Explosives Inspector I</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Explosives Inspector II</u>	<u>3943</u>	<u>4178</u>	<u>4262</u>	<u>4390</u>
<u>Fingerprint Technician</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>
<u>Fire Prevention Inspector I</u>	<u>3550</u>	<u>3763</u>	<u>3837</u>	<u>3952</u>
<u>Fire Prevention Inspector II</u>	<u>4172</u>	<u>4421</u>	<u>4508</u>	<u>4643</u>
<u>Guard I</u>	<u>2358</u>	<u>2455</u>	<u>2497</u>	<u>2572</u>
<u>Guard II</u>	<u>2608</u>	<u>2731</u>	<u>2779</u>	<u>2862</u>
<u>Guard III</u>	<u>2930</u>	<u>3085</u>	<u>3145</u>	<u>3239</u>
<u>Licensing Assistant</u>	<u>2517</u>	<u>2631</u>	<u>2677</u>	<u>2757</u>
<u>Licensing Investigator I</u>	<u>2930</u>	<u>3085</u>	<u>3145</u>	<u>3239</u>
<u>Licensing Investigator II</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Licensing Investigator III</u>	<u>3550</u>	<u>3763</u>	<u>3837</u>	<u>3952</u>
<u>Licensing Investigator IV</u>	<u>3943</u>	<u>4178</u>	<u>4262</u>	<u>4390</u>
<u>Liquor Control Special Agent I</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Motorist Assistance Specialist</u>	<u>2517</u>	<u>2631</u>	<u>2677</u>	<u>2757</u>
<u>Plant &amp; Pesticide Specialist I</u>	<u>3751</u>	<u>3973</u>	<u>4053</u>	<u>4175</u>
<u>Plant &amp; Pesticide Specialist II</u>	<u>4172</u>	<u>4421</u>	<u>4508</u>	<u>4643</u>
<u>Plumbing Inspector</u>	<u>4427</u>	<u>4695</u>	<u>4787</u>	<u>4931</u>
<u>Polygraph Examiner I</u>	<u>4172</u>	<u>4421</u>	<u>4508</u>	<u>4643</u>
<u>Polygraph Examiner II</u>	<u>4681</u>	<u>4967</u>	<u>5066</u>	<u>5218</u>
<u>Polygraph Examiner III</u>	<u>5261</u>	<u>5587</u>	<u>5699</u>	<u>5870</u>
<u>Products &amp; Standards Inspector</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Security Officer</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

<u>Security Officer Sergeant</u>	<u>3223</u>	<u>3403</u>	<u>3470</u>	<u>3574</u>
<u>Seed Analyst I</u>	<u>2930</u>	<u>3085</u>	<u>3145</u>	<u>3239</u>
<u>Seed Analyst II</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>
<u>Site Security Officer</u>	<u>2608</u>	<u>2731</u>	<u>2779</u>	<u>2862</u>
<u>Truck Weighing Inspector</u>	<u>2814</u>	<u>2957</u>	<u>3011</u>	<u>3101</u>
<u>Vehicle Compliance Inspector</u>	<u>3729</u>	<u>3948</u>	<u>4028</u>	<u>4149</u>
<u>Vehicle Emissions Compliance Inspector</u>	<u>3223</u>	<u>3403</u>	<u>3470</u>	<u>3574</u>
<u>Vehicle Emissions Quality Assurance Auditor</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>
<u>Vital Records Quality Control Inspector</u>	<u>3077</u>	<u>3243</u>	<u>3305</u>	<u>3404</u>
<u>Warehouse Claims Specialist</u>	<u>4427</u>	<u>4695</u>	<u>4787</u>	<u>4931</u>
<u>Warehouse Examiner</u>	<u>3550</u>	<u>3763</u>	<u>3837</u>	<u>3952</u>
<u>Warehouse Examiner Specialist</u>	<u>3943</u>	<u>4178</u>	<u>4262</u>	<u>4390</u>
<u>Well Inspector I</u>	<u>3391</u>	<u>3588</u>	<u>3661</u>	<u>3771</u>
<u>Well Inspector II</u>	<u>3943</u>	<u>4178</u>	<u>4262</u>	<u>4390</u>

## RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2003

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>Arson Investigator I</u>	<u>3424</u>	<u>3568</u>	<u>3714</u>	<u>3864</u>
<u>Arson Investigator II</u>	<u>3797</u>	<u>3970</u>	<u>4133</u>	<u>4297</u>
<u>Arson Investigator II (Lead Worker)</u>	<u>3922</u>	<u>4095</u>	<u>4258</u>	<u>4422</u>
<u>Commerce Commission Police Officer I</u>	<u>3424</u>	<u>3568</u>	<u>3714</u>	<u>3864</u>
<u>Commerce Commission Police Officer II</u>	<u>3797</u>	<u>3970</u>	<u>4133</u>	<u>4297</u>
<u>Licensing Investigator III</u>	<u>3125</u>	<u>3255</u>	<u>3386</u>	<u>3527</u>
<u>Police Officer I</u>	<u>3424</u>	<u>3568</u>	<u>3714</u>	<u>3864</u>
<u>Police Officer II</u>	<u>3797</u>	<u>3970</u>	<u>4133</u>	<u>4297</u>
<u>Police Officer III</u>	<u>4049</u>	<u>4238</u>	<u>4439</u>	<u>4630</u>
<u>Polygraph Examiner III</u>	<u>4526</u>	<u>4748</u>	<u>4971</u>	<u>5201</u>
<u>Security Officer</u>	<u>2752</u>	<u>2844</u>	<u>2954</u>	<u>3053</u>
<u>Security Officer Sergeant</u>	<u>2857</u>	<u>2969</u>	<u>3085</u>	<u>3197</u>

## S T E P S (Contd.)

	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Arson Investigator I</u>	<u>4092</u>	<u>4175</u>	<u>4259</u>	<u>4387</u>
<u>Arson Investigator II</u>	<u>4553</u>	<u>4644</u>	<u>4737</u>	<u>4879</u>
<u>Arson Investigator II (Lead Worker)</u>	<u>4678</u>	<u>4769</u>	<u>4862</u>	<u>5004</u>
<u>Commerce Commission Police Officer I</u>	<u>4092</u>	<u>4175</u>	<u>4259</u>	<u>4387</u>





STATE BOARD OF EDUCATION

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he issued a letter requiring peremptory rulemaking by October 26 to put all of them in place.

- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Date Filed in Agency's Principal Office: October 26, 2000
- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 11) Are there any other proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 13) Information and questions regarding these adopted rules shall be directed to:

Name: Gordon Riffel  
Center for Special Education  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: 217/782-5589

The full text of the Peremptory Rules begins on the next page:

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NOTICE OF PEREMPTORY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER b: PERSONNEL

PART 28  
STANDARDS FOR CERTIFICATION IN SPECIAL EDUCATION  
SUBPART A: GENERAL

Section	Purpose and Effective Dates
28.10	A Common Core of Standards for All Special Educators
28.100	Standards for the Learning Behavior Specialist I (LBS I)
28.200	Standards for the Teacher of Students who are Blind or Visually Impaired
28.210	Standards for the Teacher of Students who are Deaf or Hard of Hearing
28.220	Standards for the Speech-Language Pathologist
28.230	Standards for the Early Childhood Special Education Teacher
28.240	Standards for the Learning Behavior Specialist II (LBS II)
28.300	Standards for the LBS II/Transition Specialist
28.310	Standards for the LBS II/Technology Specialist
28.320	Standards for the LBS II/Bilingual Special Education Specialist
28.330	Standards for the LBS II/Deaf/Blind Specialist
28.340	Standards for the LBS II/Behavior Intervention Specialist
28.350	Standards for the LBS II/Curriculum Adaptation Specialist
28.360	Standards for the LBS II/Multiple Disabilities Specialist
28.370	

AUTHORITY: Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

SOURCE: Peremptory rules adopted at 24 Ill. Reg. 16738, effective October 27, 2000.

Section 28.10 Purpose and Effective Dates

This Part establishes the standards that shall apply to the issuance of various credentials in the field of special education pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The standards set forth in this Part shall apply both to candidates for the respective credentials and to the programs that prepare them. That is:

- a) beginning on the date identified as applicable for a particular endorsement, the examination(s) required for issuance of that endorsement shall be based on the relevant standards identified in this Part; and
- b) beginning on the date identified as applicable, approval of any teacher preparation program or course of study pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C)

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shall be based on the congruence of that program's or course's content with the relevant standards identified in this Part.

### Section 28.100 A Common Core of Standards for All Special Educators

Beginning July 31, 2002, no teacher preparation program or course of study leading to the issuance of any teaching credential in the field of special education shall be approved unless it includes content that will enable candidates to meet the standards set forth in this Section and the other applicable standards set forth in this Part, in addition to the standards set forth at 23 Ill. Adm. Code 25.15(a) (the "Illinois Professional Teaching Standards"). Beginning January 1, 2003, any examination required for issuance of a teaching credential in special education shall assess candidates' competence in relation to these standards.

a) Foundations - The competent special education teacher understands the philosophical, historical, and legal foundations of special education.

1) Knowledge - The competent special education teacher understands:

- A) historical perspectives, legislative and litigative history, models, theories, and philosophies that provide the basis for special education practice.
  - B) current legislation, regulations, policies, litigation, and ethical issues related to the provision of educational services, including least restrictive environment, due process, assessment, discipline, transition, supplemental services and supports, specialized health care and assistive technology, to individuals with all types of disabilities across the age range.
  - C) variations in beliefs, traditions, and values across cultures within society and the effects of the relationship among child, family and schooling.
  - D) issues and trends in special education across the life span, early childhood through adult services.
  - E) issues in definition and identification procedures for individuals with disabilities, including those associated with individuals from culturally and/or linguistically diverse backgrounds.
  - F) the rights and responsibilities of parents, students, teachers, and other professionals and schools as they relate to an individual's learning needs and educational programs.
- 2) Performance - The competent special education teacher:
- A) articulates a personal philosophy of special education including its relationship to the general curriculum and the concepts of least restrictive environment.
  - B) conducts the professional activities of assessment, diagnosis, and instruction consistent with the requirements of law, rules and regulations, and local district policies and procedures.
  - C) considers the continuum of placement and services within the

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context of least restrictive environment when making educational recommendations for students.

- b) Characteristics of Learners - The competent special education teacher understands the impact that disabilities have on the cognitive, physical, emotional, social and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.

1) Knowledge: The competent special education teacher understands:

- A) the cognitive processes associated with various kinds of learning and how these processes can be stimulated and developed.

B) the similarities and differences among the cognitive, physical, sensory, cultural, social and emotional development and needs of individuals with and without disabilities.

C) communication theory, language development, and the role of language in learning as well as communication modes and patterns of individuals with and without disabilities.

D) the social, intellectual, and political influences on language.

E) typical and atypical motor development.

F) major genetic and environmental etiologies of cognitive, sensory, emotional, and physical disabilities.

G) medical conditions affecting individuals with disabilities and the effects of various medications on their educational, cognitive, physical, sensory, social, and emotional behaviors.

H) basic functions of the body's systems in relation to common medical conditions and health impairments.

I) specialized health care needs at school (e.g., gastrostomies, colostomies, urinary catheterization, tracheotomies, ventilator-assisted breathing, blood glucose testing, seizure management).

J) differential characteristics of individuals with disabilities across the age range, including levels of severity and multiple disabilities and their influence on development, behavior and learning.

K) the effects of dysfunctional behavior on learning and the differences between behavioral and emotional disorders.

L) effects of the cultural and environmental milieu of the child and the family on behavior and learning.

M) the effects of second language acquisition on communication patterns.

N) the impact of sensory disabilities on development, learning and behavior.

O) effects of sensory input on the development of language and cognition of students with sensory impairments, including the impact on cultural development and familial structures.



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- 2) Performance - The competent special education teacher:
- A) accesses information on exceptional conditions when planning educational or transitional programs.
  - B) uses knowledge of a student's cognitive, communication, physical, cultural, social, and emotional characteristics in planning and delivering instruction and in transition planning.
  - C) recommends referrals to appropriate specialists when more in-depth information about a child's needs is required for making educational decisions.
- c) Assessment - The competent special education teacher understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge - The competent special education teacher understands:
    - A) assessment as an educational process.
    - B) terminology used in assessments.
    - C) legal provisions, regulations, and guidelines regarding assessment of individuals with disabilities.
    - D) how to interpret information obtained from standardized tests including age/grade scores, standard scores, percentile ranks, stanines, measures of central tendency, standard deviations, and standard error of measurement.
    - E) strategies for modifying and adapting formal tests.
    - F) strengths and limitations of various assessment tools.
    - G) influences of disabilities, culture, and language on the assessment process.
    - H) a variety of procedures for identifying students' learning characteristics and needs, monitoring student progress, and evaluating learning strategies and instructional approaches.
    - I) accommodations and modification of national, state and local assessments and the Illinois Alternative Assessment.
- 2) Performance - The competent special education teacher:
- A) matches appropriate assessment procedures to purposes of assessment.
  - B) gathers background information regarding academic history.
  - C) collaborates with families and other professionals in conducting individual assessment and reporting of assessment results.
  - D) interprets information from formal and informal assessment instruments and procedures.
  - E) develops individualized assessment strategies for instruction and uses appropriate procedures for evaluating results of that instruction.
  - F) uses performance data and information from teachers, other professionals, individuals with disabilities, and parents collaboratively to make or suggest appropriate modifications in learning environments, curriculum and/or instructional

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- strategies.
- G) evaluates learning environments and matches necessary supports to individual learners' needs.
  - H) creates and maintains accurate records.
- d) Planning for Instruction - The competent special education teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge or the discipline, students, community, and curriculum goals.
- 1) Knowledge - The competent special education teacher understands:
    - A) the scope and sequence of the general curriculum.
    - B) the concepts of language arts.
    - C) the concepts of math including numeration, geometry, measurement, statistics/probability, and algebra.
    - D) general curriculum practices and materials.
    - E) the components of an effective social skills curriculum.
    - F) the components of an effective transitional and vocational curriculum.
    - G) strategies for facilitating maintenance and generalization of skills across learning environments.
    - H) sources of specialized materials, equipment, and assistive technology for individuals with disabilities.
    - I) the principle of partial participation as it applies to students with disabilities.
    - J) the use of adaptive equipment for students with disabilities.
    - K) the concept of longitudinal transition plans.
    - L) short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory.
    - M) the process for inventorying instructional environments to meet a student's individual needs.
    - N) cultural perspectives related to effective instruction for students with disabilities.
    - O) physical adaptations to the environment to meet individual needs.
    - P) integration of assistive and instructional technology to meet a student's individual needs.
- 2) Performance - The competent special education teacher:
- A) develops and/or selects relevant instructional content, materials, resources, and strategies that respond to cultural, linguistic, gender, and learning style differences.
  - B) selects and uses appropriate technologies to accomplish instructional objectives.
  - C) develops appropriate lesson plans that incorporate curriculum and instructional strategies with individualized education goals and benchmarks.

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- D) utilizes strategies for facilitating maintenance and generalization of skills across learning environments.
- E) integrates related services into the instructional program.
- F) evaluates general curricula and determines the scope and sequence of the academic content areas of language arts and math.
- G) analyzes individual and group performance in order to design instruction that meets learners' current needs in the cognitive, social, emotional, and physical domains at the appropriate level of development in the least restrictive environment.
- H) designs learning experiences to promote students' skills in the use of technologies.
- I) evaluates teaching resources and curricular materials for comprehensiveness, accuracy, and usefulness.
- J) utilizes resources and materials that are developmentally and functionally valid.
- K) uses the principle of partial participation in planning for all students.
- L) develops curricula relevant to life skills domains: domestic, recreation/leisure, vocational, and community.
- M) plans and implements transition programs appropriate to the age and skill level of the student.
- e) Learning Environment - The competent special education teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent special education teacher understands:
- A) strategies for preparing individuals to live harmoniously and productively in a multi-class, multiethnic, multicultural, and multinational world.
- B) basic classroom management theories and methods.
- C) aspects of the physical setting, schedule, routines, and transitions that promote development and learning.
- D) the effects of teacher attitudes and behaviors on all students.
- E) laws, rules and regulations, procedural safeguards, and ethical considerations regarding management of behaviors of individuals with disabilities.
- F) strategies for individual behavior management, crisis prevention, and intervention.
- G) functional assessment of behavior and the components of behavior intervention plans.
- H) approaches to adapting environments to meet the specific learning and developmental needs of individuals.
- I) strategies for conflict resolution.
- J) effective instructional strategies for social skills development.

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- K) issues, resources, and techniques related to the integration of students with disabilities into and out of special centers, psychiatric hospitals, and residential treatment centers.
- L) how to identify realistic expectations for student behavior in various settings.
- M) the characteristics of environments, including materials, equipment, and spatial arrangements, that facilitate development, learning, and interaction between and among students.
- N) ways in which technology can assist with creating and managing the learning environment.
- O) common environmental barriers that hinder accessibility.
- P) personal attitudes and biases that affect acceptance of individuals with disabilities.
- Q) supervision of paraeducators.
- 2) Performance - The competent special education teacher:
- A) identifies, uses and evaluates appropriate reinforcers to enhance learning and motivation.
- B) uses strategies and techniques to arrange and modify the learning environment to facilitate learning according to an individual's physical, sensory, and/or behavioral needs.
- C) designs, structures, and manages daily routines effectively, including transition time for groups and individuals.
- D) uses assistive technology, when applicable, to create, arrange, and maintain a positive environment that facilitates learning and interaction.
- E) monitors and analyzes changes in individual and group behavior and performance across settings, curricular areas, and activities.
- F) designs, implements, and evaluates instructional programs that enhance an individual's social participation in family, school, and community activities.
- G) develops, implements, and evaluates the effects of positive behavior intervention techniques and individual behavior intervention plans for individuals with disabilities.
- H) applies appropriate, non-aversive, least intrusive management procedures when presented with spontaneous behavioral problems.
- I) elects target behaviors to be changed and conducts a functional assessment of the target behavior.
- J) plans and directs the activities of classroom paraeducators, volunteers, and/or peer tutors.
- K) coordinates activities with related services personnel to maximize instruction and time.
- L) uses procedures to help individuals develop self-awareness, self-control, self-reliance, self-esteem, and self-determination and manage their own behavior.

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- M) uses transfers (floor to sitting, sitting to floor, chair to chair) correctly and identifies incorrect procedures for handling and positioning.
- N) facilitates mobility including head and trunk control, sitting, crawling, standing, walking, and wheelchair use.
- f) Instructional Delivery - The competent special education teacher understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3 - 21).
- 1) Knowledge - The competent special education teacher understands:
    - A) techniques for modifying instructional methods, curricular materials and the environment to meet learners' needs that are appropriate to those learners' ages and skill levels.
    - B) how cultural and gender differences affect communication.
  - 2) Performance - The competent special education teacher:
    - A) uses a variety of explanations and multiple representations of concepts that capture key ideas to help students develop conceptual understandings.
    - B) stimulates student reflection on prior knowledge and link new ideas to already familiar ideas and experiences.
    - C) facilitates learning experiences that develop social skills.
    - D) uses instructional time effectively and efficiently.
    - E) chooses and implements instructional techniques and strategies that promote successful transitions for individuals with disabilities.
    - F) adapts materials according to the needs of individuals with disabilities.
    - G) facilitates a learning community in which individual differences are respected.
    - H) creates varied opportunities for all students to use effective written, verbal, nonverbal and visual communication.
    - I) uses research-supported instructional strategies and practices.
    - J) identifies ways to enhance a reinforcer's effectiveness in instruction.
    - K) uses chronologically age-appropriate instruction and materials.
    - L) facilitates the integration of related services into the instructional program.
- g) Collaborative Relationships - The competent special education teacher uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent special education teacher understands:

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- A) factors that promote effective communication and collaboration with individuals, parents, families, and school and community personnel in a culturally responsive program.
  - B) roles of individuals with disabilities, parents, teachers, and other school and community personnel in planning an individualized program.
  - C) ethical practices for confidential communication to others about individuals with disabilities.
  - D) typical concerns of families of individuals with disabilities and appropriate strategies for collaborating with families in addressing these concerns (including families transitioning into and out of the special education system).
  - E) the effects of family and community on development, behavior and learning.
  - F) family systems theory and dynamics and differences in family structures and beliefs.
  - G) roles and responsibilities of school-based medical and related services personnel, professional groups, and community organizations in identifying, assessing, and providing services to individuals with disabilities.
  - H) information generally available from family, school officials, the legal system, and community service agencies.
  - I) early childhood settings and other agencies related to young children and families as organizations within the larger community context.
  - J) resources, strategies, networks, organizations, and unique services that work with individuals with disabilities and their families (including career, vocational, and transition support), including possible funding agencies and financial sources for secondary aged students (local, state, and federal).
- 2) Performance - The competent special education teacher:
- A) collaborates with a team, including families, to develop and implement individual student programs (Individualized Education Programs [IEPs], Individualized Family Service Plans [IFSPs], transition plans, etc.).
  - B) encourages and supports families in their student's programs and in becoming active participants in the educational team.
  - C) plans and conducts collaborative conferences with families or primary caregivers.
  - D) collaborates with parents and educators in the use of specific academic or behavior management strategies and counseling techniques.
  - E) initiates collaboration with others and creates situations where that collaboration will enhance student learning.
  - F) collaborates with classroom teachers, parents,



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paraeducators, and other school and community personnel in integrating individuals with disabilities into various social and learning environments.

- G) communicates with general educators, administrators, paraeducators, and other school personnel about characteristics and needs of individuals with disabilities.
- H) assists students, in collaboration with parents and other professionals, in planning for transition to adulthood including employment and community and daily life, with maximum opportunities for decision-making and full participation in the community.
- I) demonstrates the ability to train, monitor, evaluate, and provide feedback to paraeducators.
- J) works with colleagues to develop an effective learning climate within the school.
- h) Professional Conduct and Leadership - The competent special education teacher understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.

1) Knowledge - The competent special education teacher understands:

- A) personal and cultural biases and differences that affect one's teaching and interactions with others.
- B) the importance of the teacher serving as a role model and advocate for all students.
- C) schools as organizations within the larger community context.
- D) consumer and professional organizations, publications, and journals relevant to individuals with disabilities.
- E) rights to privacy, confidentiality, and respect for differences among all persons interacting with individuals with disabilities.

2) Performance - The competent special education teacher:

- A) demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities.
- B) demonstrates positive regard for the culture, religion, gender, and sexual orientation of individual students and their families.
- C) promotes and maintains a high level of integrity in the practice of the profession in accordance with the professional ethical standards set forth in "What Every Special Educator Must Know: The Standards for the Preparation and Licensure of Special Educators" (2000) published by the Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 20191. (No later amendments to or editions of these standards are incorporated by this rule.)
- D) exercises objective professional judgment in the practice of

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the profession.

- E) engages in professional activities that benefit individuals with disabilities, their families, and/or colleagues, including participation in the activities of professional organizations relevant to individuals with disabilities.
- F) recognizes signs of emotional distress, child abuse, and neglect and follows procedures for reporting known or suspected abuse or neglect to appropriate authorities.
- G) maintains confidentiality of medical and academic records and respect for privacy of individuals with disabilities.
- H) maintains ethical responsibility to advocate for the least restrictive environment and appropriate services.
- i) Reflection and Professional Growth - The competent special education teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.

1) Knowledge - The competent special education teacher understands:

- A) benefits and strategies of mentorship.
- B) the continuum of lifelong professional development.
- C) central concepts and methods of inquiry for reflecting on practice and problem-solving.

2) Performance - The competent special education teacher:

- A) reflects on his or her practice to improve instruction and guide professional growth.
- B) ensures that his or her professional development plan includes activities to remain current regarding research-validated practice.

### Section 28.200 Standards for the Learning Behavior Specialist I (LBS I)

The Learning Behavior Specialist I is a teacher of children and youth with one or more of the following documented disabilities as specified in the Individuals with Disabilities Education Act [20 USC 1400 et seq.]: specific learning disabilities, emotional disturbance, mental retardation, autism, traumatic brain injury, orthopedic or other health impairment. Beginning July 31, 2002, a teacher preparation program or course of study leading to the issuance of the Learning Behavior Specialist I (LBS I) endorsement (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning, January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

a) Foundations - The competent learning behavior specialist understands the philosophical, historical, and legal foundations of special education; he or she meets the standards set forth in Section 27.100(a) of this part.

b) Characteristics of Learners - The competent learning behavior

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specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).

- 1) Knowledge - The competent learning behavior specialist understands:
  - A) the impact of language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, and physical (including sensory) disabilities on learning.
  - B) the impact of language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, and physical (including sensory) disabilities on behavior.
  - C) the unique impact of multiple disabilities on learning and behavior.
- 2) Performance - The competent learning behavior specialist provides information about students with language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, physical disabilities, and health impairments and their impact on learning to teachers, parents and employers as appropriate.
- c) Assessment - The competent learning behavior specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
  - 1) Knowledge - the competent learning behavior specialist understands:
    - A) strategies for assessing individual learning characteristics and modes of communication.
    - B) strategies for assessing students' skills within curricular areas including academic, social and vocational.
    - C) strategies for assessing learning environments and conducting functional behavioral assessments within the environment.
    - D) a model of reading diagnosis that includes student proficiency with print conventions, phonemic awareness, word recognition, vocabulary, fluency, comprehension, and self monitoring.
    - E) the uses and limitations of informal and formal assessments.
  - 2) Performance - The competent learning behavior specialist:
    - A) adapts group academic and statewide assessments for students with disabilities.
    - B) assesses the extent and quality of an individual's access to the general curriculum.
    - C) monitors a student's progress through the general curriculum.
    - D) designs and implements functional assessment procedures.
    - E) assesses reliable method(s) of response in individuals who

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- F) lack typical communication and performance abilities.
- F) adapts formal assessment devices to accommodate a student's mode of communication and response.
- G) identifies students' educational priorities by developing and conducting an individualized inventory of the student's home, community, social, and vocational environments and integrated curriculum needs.
- H) identifies a hierarchy of reinforcers and empirically evaluates their effectiveness for an individual with moderate, severe, and multiple disabilities.
- I) determines strengths and needs of individual students in the area of reading.
- J) determines students' independent, instructional, and frustrational reading levels to inform instruction.
- K) interprets and explains reading diagnostic information for classroom teachers, parents, and other specialists to plan instructional programs.
- d) Planning for Instruction - The competent learning behavior specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The learning behavior specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.
  - 1) Knowledge - The competent learning behavior specialist understands:
    - A) the Illinois Learning Standards and effective instructional strategies and resources for teaching the scope and sequence in the academic, social, and vocational curricular domains.
    - B) effective instructional strategies for adapting the general curriculum to meet the needs of individual students.
    - C) the use of appropriate reading intervention strategies and support systems for meeting the needs of diverse learners.
    - D) the differences between reading skills and strategies, and the role each plays in reading development.
    - E) importance and strategies for teaching emerging literacy skills (concept of print, phonemic awareness, fluency, and comprehension) to success in reading achievement.
    - F) the strategies to develop a longitudinal, outcome-based curriculum with the identification of priorities, including social, language, academic and vocational skills across life skill domains (i.e., domestic, recreation/leisure, vocational, and community).
    - G) adaptive equipment to facilitate eating, dressing, grooming, bowel and bladder management, independent living, and mobility.
    - H) guidelines for the selection and use of augmentative or assistive technology devices (e.g., sign language,

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electronic devices, picture and symbol systems, and language boards).

- I) effective strategies for teaching study skills.
  - J) the skills necessary for student success in community settings.
  - K) community vocational options including supported employment and competitive employment models.
  - L) the rationale for career development and vocational programming across the preschool to post-secondary age span.
  - M) the principles of partial participation.
- 2) Performance - The competent learning behavior specialist:
- A) integrates knowledge of the characteristics of the learner, Illinois Learning Standards, general curriculum and adaptation strategies appropriately into an effective individualized education program.
  - B) selects appropriate instructional strategies based on the curricular content and the age and skill level of the student.
  - C) evaluates, selects, develops, and adapts curricular materials and technology appropriate for individuals with disabilities.
  - D) applies the use of appropriate reading intervention strategies and support systems for meeting the needs of diverse learners.
  - E) adjusts reading instruction to meet the learning needs of diverse learners.
  - F) assesses the entrance level skill requirements of a potential site for vocational placement.
  - G) prioritizes skills and chooses chronologically age-appropriate materials, emphasizing functionality, instruction in natural settings, and interactions between students with and without disabilities.
  - H) develops longitudinal, outcome-based curricula for individual students.
  - I) identifies and prioritizes objectives for community skill training.
  - J) identifies available community recreational/leisure activities.
  - K) identifies vocational and community placements appropriate to the age and skill level of the student.
- e) Learning Environment - The competent learning behavior specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent learning behavior specialist understands:
    - A) rationale for selecting specific management techniques.
    - B) theories and positive approaches for managing significant

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behavior problems, including self-stimulation and self-abuse.

- 2) Performance - The competent learning behavior specialist:
  - A) uses appropriate strategies for managing significant behavioral episodes and crisis intervention.
  - B) coordinates activities of related services personnel to maximize direct instruction time for individuals with disabilities and to ensure that related services are integrated into individuals' daily activities and schedule.
  - C) uses appropriate strategies for decreasing self-abusive behaviors.
  - D) plans and implements instructional programs and behavioral interventions designed to facilitate the acquisition of adaptive social skills.
- f) Instructional Delivery - The competent learning behavior specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
  - 1) Knowledge - The competent learning behavior specialist understands:
    - A) effective instructional strategies for basic sequences of skills in the academic, social, and vocational curricular areas.
    - B) traditional, improved traditional, and rapid procedures for helping individuals achieve bowel and bladder control.
    - C) language intervention strategies and appropriate uses across age and skill levels.
    - D) instructional procedures for increasing communication use, spontaneity, and to promote generalization of communication.
    - E) instructional procedures for facilitating errorless learning including teacher delivered prompts and discrimination learning.
  - 2) Performance - The competent learning behavior specialist:
    - A) plans, organizes, and implements educational programs appropriate to the cognitive, linguistic, and physical needs of individuals in the least restrictive environment.
    - B) integrates academic instruction, affective education, and behavior management for individual learners and groups of learners in the least restrictive environment.
    - C) uses strategies to enhance the thinking process.
    - D) uses effective instructional strategies to assist individuals with disabilities to develop and self-monitor academic and social skills.
    - E) provides community-referenced instruction.
    - F) interprets sensory, mobility, reflex, and perceptual information to create appropriate lessons.



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- G) integrates study skills curriculum with delivery of academic instruction.
- H) participates in the selection and implementation of augmentative or alternative communication devices and systems for use with students with disabilities.
- I) matches individual needs with appropriate community placements including supported employment and competitive employment models.
- J) applies principles of instruction for generalized language arts or math skills to teaching domestic, community, school, recreational, or vocational skills that require language arts or math.
- K) designs and implements instructional programs for teaching eating, dressing, grooming, and toileting skills.
- L) uses language intervention strategies and appropriate usage across age and skill levels.
- M) uses instructional procedures for facilitating errorless learning including teacher delivered prompts and discrimination learning.
- N) plans and implements individualized systematic instructional programs to teach priority skills.
- O) uses instructional procedures for increasing communication use and spontaneity, and to promote generalization of communication.
- P) plans and implements instructional programs directed toward objectives established for recreation/leisure skills, domestic skills, community skills, and career development and vocational training emphasizing positive self-concepts and realistic goals.
- Q) plans and implements programs for students transitioning from school to adult life.
- g) Collaborative Relationships - the competent learning behavior specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraeducators, and students.
- 1) Knowledge - The competent learning behavior specialist understands collaborative and consultative roles of special educators in the integration of individuals with disabilities into the general curriculum, and educational and alternative settings (including community).
- 2) Performance - The competent learning behavior specialist collaborates with parents, general educators, other professionals (including community) and paraeducators in the integration of individuals with disabilities into the general curriculum, and educational and alternative settings.
- h) Professional Conduct and Leadership - The competent learning behavior specialist understands teaching as a profession, maintains standards

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of professional conduct, and provides leadership to improve students' learning and well-being.

- 1) Knowledge - The competent learning behavior specialist understands the scope of his or her practice and seeks additional resources and assistance as needed to meet the individualized needs of students.

- 2) Performance - The competent learning behavior specialist:

- A) practices within his or her own scope of practice and seeks additional resources and assistance as needed to meet the individualized needs of students.
- B) demonstrates an ethical responsibility to advocate for the least restrictive environment and appropriate services.
- C) engages in professional activities that benefit students with disabilities.
- i) Reflection and Professional Growth - The competent learning behavior specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent learning behavior specialist
- 1) conducts self-evaluation, making ongoing adjustments to assessment and intervention techniques as needed to improve services to students.
- 2) reflects on one's own practice to improve instruction and guide professional growth.

### Section 28.210 Standards for the Teacher of Students who are Blind or Visually Impaired

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Teacher of Students who are Blind or Visually Impaired (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

- a) Foundations - The competent teacher of students who are blind or visually impaired understands the philosophical, historical, and legal foundations of special education and is able to incorporate this knowledge within the context of the educational system.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired understands:

- A) federal entitlements (e.g., American Printing House for the Blind Quota Funds) that relate to the provision of specialized equipment and materials for learners with visual impairments.
- B) historical foundations for education of children with visual impairments, including the array of service options.
- C) current educational definitions, identification criteria,

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labeling issues, and current incidence and prevalence figures for students with visual impairments, including those with multiple disabilities.

- 2) Performance - The competent teacher of students who are blind or visually impaired articulates the pros and cons of current issues and trends in special education for students who are visually impaired.

b) Characteristics of Learners - The competent teacher of students who are blind or visually impaired understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and creates opportunities that support the intellectual, social, and personal development of all students.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired understands:
  - A) the normal development of the human visual system.

B) basic terminology related to the structure and function of the human visual system.

C) basic terminology related to diseases and disorders of the human visual system.

D) the development of secondary senses (hearing, touch, taste, and smell) when the primary sense is impaired.

E) the effects of a visual impairment on early development (motor system, cognition, social/emotional interactions, self-help, and language).

F) the effects of a visual impairment on social behaviors and independence.

G) the effects of a visual impairment on language and communication.

H) the effects of a visual impairment on the individual's family and the reciprocal impact on the individual's self-esteem.

I) the psychosocial aspects of a visual impairment.

J) the effects of medication on the visual system.

K) the impact of additional exceptionalities on students with visual impairments.

- 2) Performance - The competent teacher of students who are blind or visually impaired develops individual programs based on general development and academic, social, career and functional characteristics of students with visual impairments, including those with multiple disabilities.

c) Assessment, Diagnosis, and Evaluation - The competent teacher of students who are blind or visually impaired understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired understands:
  - A) the impact of visual disorders and additional disabilities

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on learning and experience.

B) specialized terminology used in assessing students with visual impairments, both as it relates to the visual system and in areas of importance.

C) the ethical considerations and legal provisions, regulations, and guidelines (federal, state, and local) related to assessment of students with visual impairments (including the legal versus functional definitions of blindness and low vision).

D) specialized policies regarding referral and placement procedures for students with visual impairments.

E) procedures used for screening, pre-referral, referral, and classifications including vision screening methods, functional vision evaluation, and learning media assessment of students with visual impairments, including those with multiple disabilities.

F) alternative assessment techniques for students with visual impairments, including those with multiple disabilities.

G) appropriate interpretation and application and other evaluative information of scores obtained as a result of assessing students with visual impairments, including those with multiple disabilities.

H) relationships among assessment, IEP development, and placement as they affect vision-related services.

- 2) Performance - The competent teacher of students who are blind or visually impaired:
  - A) interprets eye reports and other vision-related diagnostic information.

B) uses disability-specific assessment instruments appropriately.

C) adapts and uses a variety of assessment procedures appropriately when evaluating students with visual impairments, including those with multiple disabilities.

D) creates and maintains disability-related records for students with visual impairments, including those with multiple disabilities.

E) gathers background information about academic, medical, and family history as it relates to the student's visual status for students with visual impairments, including those with multiple disabilities.

F) uses assessment data to develop individualized instructional strategies to enhance instruction, including modifications of the environment, adaptations of materials, and disability-specific methodologies for students with visual impairments, including those with multiple disabilities.

- d) Instructional Content and Practice - The competent teacher of students who are blind or visually impaired understands how students differ in their approaches to learning and creates instructional opportunities

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that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired understands:

- A) Grade 2 Braille and Nemeth code.
- B) Braille codes and resources for foreign language and music.
- C) methods of developing modified communication skills for students with visual impairments, including:
  - i) low-vision modifications for print reading and writing,
  - ii) listening skills and compensatory auditory skills,
  - iii) written communication skills including handwriting,
  - iv) use of a broad range of assistive technology for individuals with visual impairments, and
  - v) awareness of augmentative communication used by students with multiple disabilities.
- D) methods for developing visual efficiency, including:
  - i) use of visual skills,
  - ii) use of optical and other adaptive devices,
  - iii) modification of the environment, and
  - iv) functional application of these skills.
- E) methods for developing modified academic skills, including:
  - i) use of an abacus,
  - ii) use of a talking calculator,
  - iii) interpretation of tactile graphics (including maps, charts, tables, etc.), and
  - iv) use of adapted science and math equipment.
- F) methods for developing alternative reasoning and decision-making skills in students with visual impairments.
- G) methods for developing alternative organization and study skills for students with visual impairments.
- H) methods for preparing students with visual impairments, including those with multiple disabilities, for structured pre-cane orientation and mobility assessment and instruction.
- I) methods for developing tactual perceptual skills for students who are or will be primarily tactual learners.
- J) methods of teaching human sexuality to students with visual impairments, using tactual models that are anatomically accurate.
- K) methods for developing adapted physical and recreation skills for students with visual impairments.
- L) methods for developing social and daily living skills that are normally learned or reinforced by visual means.
- M) preschool-specific concepts and methods of teaching those concepts to young children with visual impairments.
- N) strategies for developing career awareness in and providing

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vocational counseling for students with visual impairments.

O) strategies for promoting self-advocacy in students with visual impairments.

- P) functional life skills instruction relevant to independent, community, and personal living and employment for individuals with visual impairments, including:

- i) methods for accessing printed public information,
- ii) methods for accessing public transportation,
- iii) methods for accessing community resources, and
- iv) methods for acquiring practical skills (e.g., keeping personal records, time management, personal banking, emergency procedures).

- Q) sources of specialized materials for students with visual impairments, including those with multiple disabilities.

- R) techniques for modifying instructional methods and materials for students with visual impairments, including those with multiple disabilities, and assisting classroom teachers in implementing these modifications.

- 2) Performance - The competent teacher of students who are blind or visually impaired:

- A) interprets and uses unique assessment data, including learning media assessment, for instructional planning with students with visual impairments, including those with multiple disabilities.

- B) develops individualized instructional strategies to enhance instruction, including modifications of the environment, adaptations of materials, and disability-specific methodologies for students with visual impairments, including those with multiple disabilities.

- C) chooses and uses appropriate technologies to accomplish instructional objectives for students with visual impairments and integrates the technologies appropriately into the instructional process.

- D) sequences, implements, and evaluates individual disability-related learning objectives for students with visual impairments.

- E) uses strategies for facilitating the maintenance and generalization of disability-related skills across learning environments for students with visual impairments.

- F) teaches students with visual impairments to use thinking, problem-solving, and other cognitive strategies to meet individual learning and vision needs.

- e) Planning and Managing the Teaching and Learning Environment - The competent teacher of students who are blind or visually impaired uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- 1) Knowledge - The competent teacher of students who are blind or



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visually impaired understands:

- A) a variety of input and output enhancements to computer technology that address the specific access needs of students with visual impairments in a variety of environments.
- B) model programs, including career-vocational and transition, that have been effective for students with visual impairments.
- 2) Performance - The competent teacher of students who are blind or visually impaired
  - A) prepares modified special materials (e.g., in Braille, enlarged, outlined, and highlighted) for students with visual impairments.
  - B) obtains and organizes special materials to implement instructional goals for students with visual impairments.
  - C) designs learning environments that are multi-sensory and encourage active participation by students with visual impairments in a variety of group and individual learning activities.
  - D) creates a learning environment that encourages self-advocacy and independence for students with visual impairments.
  - E) formats, transcribes, proofreads, and interlines materials in Grade 2 Braille and Nemeth code.
  - F) uses the Braille writer, slate and stylus, and computer technology to produce Braille materials.

f) Managing Student Behavior and Social Interaction Skills - The competent teacher of students who are blind or visually impaired understands that attitudes and behaviors can affect student behavior and prepares students to deal with a variety of attitudes and behaviors in social situations.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired understands that teachers' attitudes and behaviors affect the behaviors of students with visual impairments.

2) Performance - The competent teacher of students who are blind or visually impaired:

- A) prepares students with progressive eye conditions to achieve a positive transition to alternative skills.
- B) prepares students with visual impairments to access information and services from the community at large.
- C) prepares students with visual impairments to respond to societal attitudes and actions with positive behavior, self-advocacy, and a sense of humor.

g) Communication and Collaborative Partnerships - The competent teacher of students who are blind or visually impaired uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and

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students.

- 1) Knowledge - The competent teacher of students who are blind or visually impaired knows:

- A) strategies for assisting parents and other professionals in planning appropriate transitions for students with visual impairments.
- B) sources of unique services, networks, and organizations for students with visual impairments.
- C) the roles of paraprofessionals who work directly with students with visual impairments (e.g., sighted readers, transcribers, aides) or who provide special materials to them.
- D) the need for role models who have visual impairments and are successful.
- 2) Performance - The competent teacher of students who are blind or visually impaired:
  - A) helps parents and other professionals understand the impact of a visual impairment on learning and experience.
  - B) reports disability-related results of evaluations to students with visual impairments, their parents, administrators, and other professionals in clear, concise, and understandable terms.
  - C) manages and directs the activities of paraprofessionals or peer tutors who work with students with visual impairments.
  - D) uses communication styles that are appropriate for students with visual impairments.
- h) Professionalism and Ethical Practices - The competent teacher of students who are blind or visually impaired understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
  - 1) The competent teacher of students who are blind or visually impaired understands consumer and professional organizations, publications, and journals relevant to the field of visual impairment.
  - 2) Performance - The competent teacher of students who are blind or visually impaired participates in the activities of professional organizations relevant to the education of students who are blind or visually impaired.

### Section 28.220 Standards for the Teacher of Students who are Deaf or Hard of Hearing

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Teacher of Students who are Deaf or Hard of Hearing (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this

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credential shall be based upon these standards.

- a) Foundations - The competent teacher of students who are deaf or hard of hearing understands the philosophical, historical, and legal foundations of special education for individuals who are deaf or hard of hearing and is able to incorporate this knowledge within the context of the educational system.

- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:

A) current educational definitions of students with hearing loss, including identification criteria, labeling issues, and current incidence and prevalence figures.

B) models, theories, and philosophies (e.g., bilingual-bicultural, total communication, oral/aural) that provide the basis for educational practice(s) for students who are deaf or hard of hearing, as consistent with program philosophy.

C) variations in beliefs, traditions, and values across cultures and within society, and the effect of the relationships among children who are deaf or hard of hearing, their families, and schooling.

D) issues in definitions and identification procedures for individuals who are deaf or hard of hearing (e.g., cultural versus medical perspective).

E) rights and responsibilities of parents, students, teachers, and schools as they relate to students who are deaf or hard of hearing.

F) the impact of various educational placement options (from the perspective of the needs of any given child who is deaf or hard of hearing and consistent with program philosophy) with regard to cultural identity and linguistic, academic, and social-emotional development.

- 2) Performance - The competent teacher of students who are deaf or hard of hearing:

A) applies understanding of theory, philosophy, and models of practice to the education of students who are deaf or hard of hearing.

B) articulates pros and cons of current issues and trends in special education and the field of education of children who are deaf or hard of hearing.

C) identifies the major contributors to the growth and improvement of knowledge and practice in the field of education of children who are deaf or hard of hearing.

- b) Characteristics of Learners - The competent teacher of students who are deaf or hard of hearing understands the impact that disabilities have on the cognitive, physical, emotion, social, and communication development of an individual and creates opportunities that support the communication, intellectual, social, and personal development of all students.

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- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:

A) communication features (visual, spatial, tactile, and/or auditory) salient to the learner who is deaf or hard of hearing that are necessary to enhance cognitive, emotional, and social development.

B) research in cognition related to children who are deaf or hard of hearing.

C) cultural dimensions that being deaf or hard of hearing may add to the life of a child.

D) various etiologies of hearing loss that can result in additional sensory, motor, and/or learning differences in students who are deaf or hard of hearing.

E) the effects of families and/or primary caregivers on the overall development of children who are deaf or hard of hearing.

F) the effects that onset of loss, age of identification, and provision of services have on the development of the child who is deaf or hard of hearing.

G) the impact of early comprehensible communication on the academic, linguistic, and social/emotional development of the child who is deaf or hard of hearing.

H) that deafness or hearing loss alone does not necessarily preclude normal academic development, cognitive development, or communication ability.

I) differences in quality and quantity of incidental language/learning experiences that children who are deaf or hard of hearing may experience.

J) the effects of sensory input on the development of language and cognition of children who are deaf or hard of hearing.

K) the structure and function of auditory systems, audiological assessments, and auditory interventions, including but not limited to hearing aids, cochlear implants, assistive technology, and auditory training.

- 2) Performance - The competent teacher of students who are deaf or hard of hearing develops a descriptive profile of a student who is deaf or hard of hearing.

c) Assessment, Diagnosis, and Evaluation - The competent teacher of students who are deaf or hard of hearing understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.

- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:

A) specialized terminology used in assessment of children who are deaf or hard of hearing.

B) the components of an adequate evaluation for eligibility, placement, and program planning (e.g., interpreters, special tests) decisions for students who are deaf or hard of

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- hearing.
- C) the legal provisions, regulations, and guidelines regarding unbiased diagnostic assessment and use of instructional assessment measures with students who are deaf or hard of hearing.
- D) the special policies regarding referral and placement procedures (i.e., Federal Policy Guidance, October 30, 1993) for students who are deaf or hard of hearing.
- 2) Performance - The competent teacher of students who are deaf or hard of hearing:
- administers appropriate assessment tools using the natural/native/preferred language of the student who is deaf or hard of hearing.
  - gathers and analyzes communication samples from students who are deaf or hard of hearing, including nonverbal as well as linguistic acts.
  - uses exceptionality-specific assessment instruments (e.g., SAT-HI, TERA-DHH, FSST) appropriate for students who are deaf or hard of hearing.
- d) Instructional Content and Practice - The competent teacher of students who are deaf or hard of hearing understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:
- sources of specialized materials for students who are deaf or hard of hearing.
  - components of the nonlinguistic and linguistic communication that students who are deaf or hard of hearing use.
  - the procedures and technologies required to educate students who are deaf or hard of hearing under one or more of the existing modes or philosophies.
  - information related to American Sign Language (ASL) and existing communication modes or philosophies (consistent with program philosophy).
  - current theories of how language (e.g., ASL and English) develop in both children who are hearing and those who are deaf or hard of hearing.
  - subject matter and practice used in general education across content areas.
  - ways to facilitate cognitive and communicative development in students who are deaf or hard of hearing (e.g., visual saliency) consistent with program philosophy.
  - techniques of stimulation and use of residual hearing, based upon interpretation of audiological evaluation, in students who are deaf or hard of hearing.

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- research-supported instructional strategies and practices for teaching students who are deaf or hard of hearing.
  - techniques/methods to develop speech skills for children who are deaf or hard of hearing.
  - techniques/methods to address the unique needs of children who are deaf or hard of hearing and have additional needs (e.g., behavioral concerns, autism) or disabilities (e.g., cognitive delay, autism).
- 2) Performance - the competent teacher of students who are deaf or hard of hearing:
- demonstrates proficiency in the language(s) used for instructing students who are deaf or hard of hearing.
  - demonstrates the basic characteristics of various existing communication modes used with students who are deaf or hard of hearing.
  - selects, designs, produces, and utilizes media, materials, and resources required to educate students who are deaf or hard of hearing under one or more of the existing modes or philosophies (e.g., bilingual-bicultural, total communication, aural/oral).
  - infuses speech skills into academic areas as consistent with the mode or philosophy espoused and the ability of the student who is deaf or hard of hearing.
  - modifies the instructional process and classroom environment to meet the physical, cognitive, cultural, and communication needs of the child who is deaf or hard of hearing (e.g., teacher's style, acoustic environment, and availability of support services and appropriate technologies).
  - facilitates independent communication behavior in children who are deaf or hard of hearing.
  - applies first and second language teaching strategies (i.e., English through ASL or ESL) appropriate to the needs of the individual student who is deaf or hard of hearing and consistent with program philosophy.
  - demonstrates the ability to modify incidental language experiences to fit the visual and other sensory needs of children who are deaf or hard of hearing.
  - designs and implements appropriate strategies and activities to maximize literacy skills in children who are deaf or hard of hearing.
- e) Planning and Managing the Teaching and Learning Environment - The competent teacher of students who are deaf or hard of hearing uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:
- deaf cultural factors that may influence classroom



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- management of students who are deaf or hard of hearing.
- B) model programs, including career/vocational and transition that have been effective for students with hearing losses.
- 2) Performance - The competent teacher of students who are deaf or hard of hearing:
- A) manages assistive/augmentative devices appropriate for students who are deaf or hard of hearing in learning environments.
- B) selects, adapts, and implements classroom management strategies for students who are deaf or hard of hearing that reflect understanding of each child's cultural needs, including a primarily visual deaf culture where appropriate.
- C) designs a classroom environment that maximizes opportunities for visually oriented and/or auditory learning in students who are deaf or hard of hearing.
- D) plans and implements instruction for students who are deaf or hard of hearing and who have multiple disabilities and special needs.
- f) Managing Student Social Interaction Skills - The competent teacher of students who are deaf or hard of hearing understands processes and opportunities for interaction and prepares students to interact in a variety of communication situations.
- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:
- A) processes for establishing ongoing interactions of students who are deaf or hard of hearing with peers and role models who are deaf or hard of hearing.
- B) opportunities for interaction with communities of individuals who are deaf or hard of hearing on the local, state, and national levels.
- 2) Performance - The competent teacher of students who are deaf or hard of hearing teaches students who are deaf or hard of hearing to use interpreters appropriately in social situations.
- g) Communication and Collaborative Partnerships - The competent teacher of students who are deaf or hard of hearing uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:
- A) available resources to help parents of children who are deaf or hard of hearing deal with their concerns regarding educational options and communication modes/philosophies for their children.
- B) the roles and responsibilities of teachers and support personnel in educational practice for students who are deaf or hard of hearing (e.g., educational interpreters, tutors,

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- and note-takers).
- C) the effects of communication on the development of family relationships and strategies used to facilitate communication in families with children who are deaf or hard of hearing.
- D) services provided by governmental and non-governmental agencies or individuals in the ongoing management of children who are deaf or hard of hearing.
- 2) Performance - The competent teacher of students who are deaf or hard of hearing:
- A) teaches students who are deaf or hard of hearing to use support personnel effectively (e.g., educational interpreters, tutors, and note-takers).
- B) facilitates communication between the child who is deaf or hard of hearing and his or her family and/or other caregivers.
- C) facilitates coordination of support personnel (e.g., interpreters) to meet the diverse communication needs of the student who is deaf or hard of hearing and his or her primary caregivers.
- h) Professionalism and Ethical Practices - The competent teacher of students who are deaf or hard of hearing understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge - The competent teacher of students who are deaf or hard of hearing understands:
- A) the process for acquiring the needed skills in modes/philosophies of education of students who are deaf or hard of hearing in which an individual was not prepared.
- B) consumer and professional organizations, publications, and journals relevant to the field of education of students who are deaf or hard of hearing.
- 2) Performance - The competent teacher of students who are deaf or hard of hearing:
- A) seeks interaction with adults in the deaf community to maintain/improve ASL, English signs, or cues as consistent with program philosophy.
- B) demonstrates the ability to interact with a variety of individuals who are deaf or hard of hearing on an adult-to-adult level.
- C) provides families with the knowledge and skills to make appropriate choices needed to enhance the development and transition of their children who are deaf or hard of hearing.
- D) participates in the activities of professional organizations relevant to the education of students who are deaf or hard of hearing.

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## Section 28.230 Standards for the Speech-Language Pathologist

Beginning January 1, 2002, an individual who completes an approved program and elects to receive the speech-language pathologist's endorsement on a school service personnel certificate rather than on a teaching certificate shall be subject to the standards set forth in this Section but not to those set forth in Section 28.100 of this Part or to those set forth at 23 Ill. Adm. Code 25.15(a). Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Speech-Language Pathologist (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of either of these credentials shall be based upon these standards. Each speech-language pathologist shall hold a master's degree.

a) Content Knowledge - The competent speech-language pathologist understands the philosophical, historical, and legal foundations of speech-language pathology and is able to incorporate this knowledge within the context of the educational system.

1) Knowledge - The competent speech-language pathologist understands:

- A) various types of communication disorders, their classifications, and their manifestations.
- B) anatomic and physiologic bases of speech, language, hearing, and oropharyngeal function.
- C) linguistic and psycholinguistic variables related to the normal development of speech, language, and hearing.
- D) physical and psychophysical bases and processes of the production and perception of speech, language, and hearing.
- E) the nature, prevention, evaluation, and treatment of speech, language, and hearing disorders.
- F) the relationship of knowledge within the discipline to education and life/career applications.

2) Performance - The competent speech-language pathologist:

- A) provides screening, identification, assessment, diagnosis, treatment, intervention, and follow-up services for disorders of:
  - i) speech, including articulation, fluency, and voice;
  - ii) language, including phonology, morphology, syntax, semantics, and pragmatics, and disorders of receptive and expressive communication in oral, written, graphic, and manual modalities;
  - iii) oral and pharyngeal functions, including disorders of swallowing and feeding;
  - iv) cognitive aspects of communication; and
  - v) social aspects of communication.
- B) uses research results to determine effective diagnostic and treatment procedures.

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C) measures outcomes of treatment and conducts continuing evaluation of the efficacy of practices and programs to maintain and improve quality of services.

b) Human Development and Learning - The competent speech-language pathologist understands the cognitive, physical, emotional, social, and communication development of an individual and creates opportunities that support the intellectual, social, and personal development of all students.

1) Knowledge - The competent speech-language pathologist understands:

- A) child and adolescent growth and development and the ranges of individual variation.
- B) that learning is influenced by students' physical, social, emotional, ethical, and cognitive development.

2) Performance - The competent speech-language pathologist:

- A) considers student development factors when interpreting evaluative data and designing interventions.
- B) introduces concepts and principles at different levels of complexity so that they are meaningful to students at varying levels of development and to students with diverse learning needs and styles.

c) Diversity - The competent speech-language pathologist understands and is tolerant of individual differences and provides services that demonstrate sensitivity to such differences.

1) Knowledge - The competent speech-language pathologist understands:

- A) differences in race, culture, religion, national origin, gender, sexual orientation, and disabling condition.
- B) the process of second language acquisition and strategies to support student learning.

C) areas of exceptionality in learning as defined in the federal and state statutes and regulations (i.e., Section 504 of the Rehabilitation Act, Individuals with Disabilities Education Act [IDEA], Americans with Disabilities Act [ADA], and the Illinois Administrative Code) and the impact these have on students, families and school programs.

2) Performance - The competent speech-language pathologist:

- A) provides services that demonstrate multicultural sensitivity to students and families.
- B) designs assessments and intervention strategies appropriate to students' gender, culture, stages of development, learning styles, exceptionalities, strengths, and needs.
- C) considers students' abilities in their primary and secondary languages and the effects of second language learning when designing assessments and planning intervention.
- d) Planning and Intervention - The competent speech-language pathologist uses an understanding of assessment and intervention to create plans

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for the prevention and habilitation of communication disorders.

- 1) Knowledge - The competent speech-language pathologist understands:
  - A) strategies and activities designed to prevent communication disorders.
  - B) principles and techniques of various interventions utilized in the management and treatment of communication disorders.
  - C) evaluation and management procedures that do not pertain specifically to speech disorders or language disorders and are within the "Scope of Practice for Speech-Language Pathology" (1996) published by the American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville Maryland 20852. No later amendments to or editions of this document are incorporated by this rule.
- 2) Performance - The competent speech-language pathologist:
  - A) plans activities for the prevention of communication disorders.
  - B) uses and interprets assessment data in making appropriate intervention decisions.
  - C) contributes to the development of a comprehensive, longitudinal individualized program for each student.
  - D) creates goals and benchmarks or short-term objectives to enable students to meet expectations for learning.
  - E) creates and adapts effective learning materials and learning experiences based on curriculum, students' prior knowledge, and students' needs.
  - F) interprets and uses assessment data for the purpose of making appropriate modifications in the learning environment and planning effective interventions.
  - G) accesses and employs a wide range of information and technology to enhance student learning.
- e) Learning Environment - The competent speech-language pathologist uses an understanding of learning approaches to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
  - 1) Knowledge - The competent speech-language pathologist understands:
    - A) how school systems are organized and how they operate in relation to general and special education.
    - B) how individuals differ in their approaches to learning and how to create opportunities adapted to diverse learners.
  - 2) Performance - The competent speech-language pathologist:
    - A) maximizes the use of therapeutic intervention time by creating an environment that is conducive to learning and achieving individualized communication goals.
    - B) uses strategies that encourage students to assume responsibility, participate in decision making, work independently, and collaborate in learning activities.

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- f) Service Delivery - The competent speech-language pathologist understands a continuum of services and service delivery options and provides services based upon the needs of individual students.
  - 1) Knowledge - The competent speech-language pathologist understands and is familiar with a continuum of services and service delivery options.
  - 2) Performance - The competent speech-language pathologist:
    - A) assists in determining the least restrictive environment to provide services based upon the needs of individual students.
    - B) selects and uses instructional content, materials, resources, and strategies based upon age, ability, cultural, linguistic, and gender differences of the student.
    - C) monitors and adjusts strategies in response to student feedback and ongoing performance data.
    - D) teaches students with special learning needs to use thinking, problem-solving, and other cognitive strategies to meet individual needs.
  - g) Communication - The competent speech-language pathologist uses knowledge of effective written, verbal, nonverbal, and visual communication technique to effectively communicate with his or her audience.
    - 1) Knowledge - The competent speech-language pathologist understands:
      - A) and is familiar with the components and terminology of professional report writing.
      - B) the importance of audience and purpose when selecting ways to communicate.
    - 2) Performance - The competent speech-language pathologist:
      - A) uses a variety of communication modes to effectively communicate with a diverse student population, parents, and other professionals.
      - B) speaks and writes effectively using language appropriate to the situation and the audience.
      - C) practices effective listening and provides students with constructive feedback.
  - h) Assessment and Evaluation - The competent speech-language pathologist understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.
    - 1) Knowledge - The competent speech-language pathologist understands:
      - A) procedures, techniques and instrumentation used to evaluate communication disorders.
      - B) various formal and informal assessment and evaluation theories, techniques, and strategies.
      - C) evaluation procedures that do not pertain specifically to speech disorders or language disorders and are within the



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American Speech-Language-Hearing Association's Scope of Practice for Speech-Language Pathology.

- 2) Performance - The competent speech-language pathologist:
  - A) uses a variety of appropriate formal and informal assessment tools and procedures.
  - B) uses nondiscriminatory evaluation procedures in order to obtain a valid understanding of how a student is functioning and what the student is capable of accomplishing.
  - C) maintains useful and accurate records and communicates information such as legal rights and evaluation results knowledgeably and responsibly to parents/guardians and others involved in meeting the needs of the student.
- 3) Collaborative Relationships - The competent speech-language pathologist understands collaborative relationships and fosters collaboration and supportive interaction among professionals, paraprofessionals, and students.
  - 1) Knowledge - The competent speech-language pathologist understands:
    - A) the collaborative process.
    - B) the benefits, barriers, and techniques involved in collaboration.
  - 2) Performance - The competent speech-language pathologist:
    - A) works with colleagues and parents to develop and maintain a positive learning environment.
    - B) facilitates collaborative relationships between general and special education.
- j) Professional Growth and Self-Evaluation - The competent speech-language pathologist continually evaluates how choices and actions affect students, parents, and other professionals and actively seeks opportunities to grow professionally.
  - 1) Knowledge - The competent speech-language pathologist understands:
    - A) that self-evaluation is an integral part of professional growth and improvement.
    - B) the necessity of continuing education for professional development.
    - C) and is familiar with resources available for professional development.
  - 2) Performance - The competent speech-language pathologist:
    - A) identifies and engages in appropriate continuing education opportunities to support personal development as a learner and educator.
    - B) actively seeks out, participates in, and shares relevant instructional materials and ideas with colleagues.
    - C) engages in self-evaluation, making ongoing adjustments to assessment and intervention techniques as needed to improve services to students.
- k) Professional Conduct and Ethics - The competent speech-language

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pathologist understands and abides by applicable laws, regulations, policies, procedures, codes of conduct, and practice guidelines.

- 1) Knowledge - The competent speech-language pathologist understands:
  - A) professional associations' codes of conduct and ethical practice guidelines.
  - B) federal and state laws and regulations as they pertain to professional practice.
  - C) parameters of the profession's scope of practice.
  - D) school policies and procedures.
- 2) Performance - The competent speech-language pathologist:
  - A) follows codes of professional conduct and ethical practice guidelines of the profession.
  - B) abides by federal and state laws and regulations as they pertain to professional practice.
  - C) follows the profession's scope of practice.
  - D) follows school policies and procedures.
  - E) promotes and maintains a high level of competence in the practice of the profession.
- 1) Facilitation and Advocacy - The competent speech-language pathologist understands his or her advocacy role and assists individuals in accessing educational resources and services.
  - 1) Knowledge - The competent speech-language pathologist understands:
    - A) the educator's advocacy role.
    - B) programs and services available in the school environment.
    - C) how to access and make appropriate referrals for services provided by district, community, and state resources.
  - 2) Performance - The competent speech-language pathologist:
    - A) identifies areas of need and makes referrals as appropriate.
    - B) assists parents/students in accessing community and school resources and services.
    - C) provides consultation to parents/guardians, school staff, community agencies, and relevant others in understanding the scope of speech-language services in the school setting.
    - D) advocates for appropriate student services and supports as needed.

### Section 28.240 Standards for the Early Childhood Special Education Teacher

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as an Early Childhood Special Education Teacher (on the early childhood certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

- a) Content Knowledge - The competent early childhood special education (ECSE) teacher understands the central concepts, tools of inquiry, and

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structures of developmental, functional, and learning curriculum areas appropriate to young children and creates and provides integrated experiences that develop each child's competence across curriculum areas.

1) Knowledge - The competent ECSE teacher understands:

- A) major concepts, assumptions, debates, principles, theories, and processes of inquiry that are central to early childhood special education and its related fields and to its own history, legislation, and research.
- B) how current development, knowledge, beliefs, and dispositional frameworks influence attitudes and frameworks for further learning and development.
- C) the central concepts and tools of inquiry in academic content areas, including language and literacy, mathematics, science, social studies, art, music, drama, and movement.
- D) developmental curriculum areas, including social, emotional, cognitive, language, and physical development.
- E) functional/adaptive curriculum areas, including health, safety, nutrition, and life skills.
- F) the structure of curriculum areas within the multiple teaching settings included in early childhood special education from birth through grade three, and the relationship of this structure to other areas of knowledge and to life-long development and learning.

2) Performance - The competent ECSE teacher:

- A) develops and implements an integrated curriculum that focuses on children's needs and interests and takes into account culturally valued content and children's home experiences.
  - B) evaluates teaching resources and curriculum materials in academic, developmental, and functional/adaptive curriculum areas for their comprehensiveness, accuracy, and usefulness in fostering developmental and learning processes and outcomes.
  - C) matches different ways of knowing and methods of instruction to different academic, developmental, and functional/adaptive goals and outcomes.
  - D) promotes children's skills in using technologies to support learning across content and developmental areas, including technologies that provide access to the general education curriculum and to participation in natural environments for children with disabilities.
  - E) organizes content and experiences to support children's understanding and learning, and engages children in generating and examining their own emerging knowledge.
- b) Human Development and Learning - The competent ECSE teacher understands how individuals grow, develop, and learn, as well as the implications of disabilities and other special needs and circumstances

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for development, and provides developmental and learning opportunities that ameliorate or remediate the effects of these conditions on the intellectual, social, emotional, and physical development of young children with disabilities from birth through grade three.

1) Knowledge - The competent ECSE teacher understands:

- A) different theories of human development and learning, including emerging knowledge of early neural development, ranges of individual variation within domains, and transactional influences between and among arenas of biological function and environmental conditions during pre-, peri-, and post-natal development.
  - B) the characteristics and sequences of normal development in cognitive, emotional, social, language, and motor domains, as well as interactions and influences among domains.
  - C) the characteristics of, and influences of life situations on, children's construction of cognitive, emotional, social and aesthetic understandings, language, mental health, and adaptive and motor skills, including developmental consequences of stress and trauma as well as protective factors and resilience.
  - D) the educational implications of different disabilities, as well as their potential effects on development and life experiences in early childhood and over time.
  - E) how children's physical, social, emotional, cognitive and ethical development influence learning approaches and outcomes.
  - F) how developmental and learning factors, including factors related to individual differences stemming from various disabling conditions, influence instructional decisions.
  - G) the effects of various medications on the educational, cognitive, physical, social, and emotional behavior of children with disabilities.
- 2) Performance - The competent ECSE teacher:
- A) applies theories of typical and atypical child development to instructional situations in school, community, and home environments.
  - B) applies knowledge of typical and atypical child development and the interrelationships among developmental domains and learning to interpreting behavior and making instructional decisions in academic, developmental, and functional/adaptive domains.
  - C) applies knowledge of development and learning to designing instructional experiences that ameliorate the effects of disabilities on the acquisition of new information and skills.
  - D) outlines structures for instruction that link new ideas and experiences to current understandings and abilities and to already familiar ideas and experiences.

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E) incorporates goals and expectations of varying levels of complexity into instruction so that instructional activities are engaging and meaningful to children at different levels of development and with diverse learning needs.

F) supports and facilitates family/child interactions and environments as primary contexts for learning and development.

G) accesses information on various cognitive, communication, physical, cultural, social, and emotional conditions of individuals with exceptional learning needs.

c) Diversity - The competent ECSE teacher understands how children and families differ in their perspectives and approaches to development, learning, and disability and provides curriculum and instructional environments within the context of family, classroom, and community that honor the families' and communities' beliefs, values, and practices.

1) Knowledge - The competent ECSE teacher understands:

A) the characteristics and etiologies of common disabilities and conditions in young children, including typical developmental patterns related to conditions such as prematurity and low birth weight, and describes specific implications for development and learning.

B) the significance of familial, cultural and societal contexts, as well as of individual abilities, experiences, talents, dispositions, prior learning, and individual needs, for children's development and learning.

C) the significance of familial, cultural, and social contexts for interpretation of disability and the role of the young child with disabilities within the family and community.

D) the process of second language acquisition and strategies to support the learning of children whose first language is not English.

E) normal individual variation in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes, and how these differences interact with individual differences related to disabilities and other individual differences such as culture and language.

2) Performance - The competent ECSE teacher:

A) develops and selects learning experiences and strategies that affirm and respect family, cultural, and societal diversity, including language differences, as well as differences related to disability.

B) makes appropriate modifications in circumstances of work, expected outcomes, and teaching approaches, including technologies, to address and respect individual differences in learning needs, developmental levels, and preferences.

C) seeks information about and incorporates knowledge of

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children's experiences, cultures, and community resources into teaching, using a well-grounded framework to guide understanding and practice.

d) Planning for Instruction - The competent ECSE teacher understands and employs a range of curriculum and instructional approaches for fostering individual abilities and meeting the individual learning needs within the contexts of group and individualized instruction in a variety of classrooms, communities, and home environments and develops individual long-term and short-term educational and service plans based on knowledge of children, families, communities, content areas, and early childhood curriculum goals, as well as knowledge of individual children's abilities and needs and families' goals, priorities, and concerns for their children.

1) Knowledge - The competent ECSE teacher understands:

A) the Illinois Learning Standards and their relation to the content and structure of academic, developmental, and functional/adaptive curriculum in early childhood education, birth through grade three.

B) the rationale for and rules and regulations governing the development of Individualized Education Plans (IEPs) and Individualized Family Service Plans (IFSPs).

C) short-term and long-term teaching plans consistent with curriculum goals, learning theory, and individual differences, including personal and experiential differences related to disability.

D) the array of school, community, and home settings available to young children with disabilities and criteria for determining the extent to which the settings provide support and access to an appropriate early childhood curriculum.

E) a variety of instructional strategies for fostering an array of learning and developmental outcomes within the context of individual abilities, dispositions, and needs, including those related to disabilities.

F) the rationale for and practices underlying developmentally appropriate methods that include play, small group projects, open-ended questioning, problem solving, cooperative learning, and inquiry experiences to help young children develop intellectual curiosity, solve problems, and make decisions.

G) the appropriate use of technology with young children, including assistive technology for use with children with disabilities.

H) when and how to adjust plans based on children's responses to instruction.

I) how to use various technological tools to access and manage information.

2) Performance - The competent ECSE teacher:

A) develops and implements short-term and long-term curriculum



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- and instructional practices in academic, developmental, and functional/adaptive curriculum areas, based on knowledge of individual children, the family, and the community.
- B) sets goals for children's learning and outlines the scope and sequence of content and education to achieve those goals at the group and individual levels, consistent with the scope and sequence of academic, developmental, and functional/adaptive early childhood curriculum, birth through grade three.
- C) develops an IFSP or IEP in partnership with family members and other professionals, incorporating both child and family needs, priorities, and preferences.
- D) evaluates and selects intervention curricula, methods, and materials, including instructional technologies, that incorporate knowledge of curriculum content and respect individual variation in children's learning styles and performance modes, as well as variation in characteristics and ability in children with motor, sensory, health, and social-emotional and/or cognitive disabilities.
- E) develops a range of approaches for presenting concepts in order to promote children's understanding of diverse perspectives.
- F) embeds multiple opportunities for addressing IEP and IFSP goals and outcomes into the daily routines and planned instructional activities of school, community, and home environments.
- G) makes specific adaptations in goals and teaching methods, including technological adaptations, for the special needs of children who have unique talents, learning and developmental needs, or specific disabilities.
- H) incorporates information and strategies from multiple disciplines and content areas into the design of intervention strategies.
- I) outlines strategies and techniques for facilitating the functional integration of children with exceptional needs within various settings.
- J) integrates benchmarks and other outcomes into daily activities and routines across multiple developmental and learning environments, and uses strategies to facilitate maintenance and generalization of skills across learning and developmental environments.
- K) designs plans that integrate technology, including adaptive and assistive technology, into educational settings.
- L) plans for and links current developmental and learning experiences and teaching strategies with those of the next educational setting, current life experiences, and future life and work experiences.
- M) selects instructional practices that are pedagogically sound

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- and legally defensible; choosing alternative strategies and materials to achieve different educational purposes and meet different children's needs.
- N) enables the full engagement of children with disabilities in learning opportunities planned for all children by using strategies that match children's abilities with outcomes based on the scope and sequence of early childhood academic, developmental, and functional/adaptive curriculum areas.
- O) develops learning opportunities, birth through grade three, that foster understanding of curriculum content and processes that are the foundation of the general education curriculum (e.g., literacy, numeracy, science).
- P) integrates literacy and numeracy experiences throughout intervention plans, and develops learning opportunities designed to foster particular literacy and numeracy outcomes, to promote children's abilities as they apply, interpret, and construct new understandings and skills.
- e) Learning Environment - The competent ECSE teacher uses an understanding of young children's social and emotional development to create group and individual environments and learning opportunities based on and supportive of positive social interaction, active engagement in learning, intrinsic motivation, and self-esteem.
- 1) Knowledge - The competent ECSE teacher understands:
- A) how to help children work cooperatively and productively in groups, using knowledge of how individuals influence groups and how groups function in society.
- B) factors that influence motivation and engagement, including teacher attitudes and behaviors as well as child factors such as temperament, mental health, and disability, and knows a variety of approaches for helping children become self-motivated.
- C) aspects of the physical setting, schedule, routines, and transitions that promote children's development and learning.
- D) approaches to adapting environments to meet specific learning and developmental needs related to individual differences in development, learning, dispositions, and talents.
- E) a variety of preventive and remedial approaches for promoting self-regulation and discipline in groups and individuals.
- F) ethical and legal considerations inherent in behavior management.
- 2) Performance - The competent ECSE teacher:
- A) selects, develops, adapts, and evaluates developmentally and functionally appropriate materials, equipment, and spatial arrangements that facilitate developmental and learning goals in young children, including those with disabilities.

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- B) uses individual and group guidance and problem-solving techniques to develop positive and supportive relationships with children, to encourage positive social interaction among children, to promote positive strategies of conflict resolution, and to develop personal self-control, self-motivation, and self-esteem.
- C) selects and implements methods of behavior support and management appropriate for young children, including a range of strategies from less directive, less structured methods to more directive, more structured methods.
- D) establishes and maintains stimulus-rich indoor and outdoor environments that are physically and psychologically safe, healthy, and productive, including environmental and technological adaptations for children with disabilities.
- E) teaches social skills needed for participating in educational and functional living environments of the school, community, and home.
- F) organizes and oversees the activities of paraprofessionals, volunteers, and other professionals who are a part of the educational environment, including individuals providing various therapies to young children with disabilities.
- G) monitors individual and group learning activities for factors related to engagement and achievement motivation.
- f) Instructional Delivery - The competent ECSE teacher employs a variety of group and instructional opportunities and strategies, both planned and spontaneous, which encourage children's development learning across developmental domains and content areas, are appropriate to those areas and to each child's individual abilities and learning needs with respect to those areas, are matched to individually appropriate outcomes and goals, and are deliverable in a variety of individual and group learning environments, including inclusive classrooms, community, and homes.
- 1) Knowledge - The competent ECSE teacher understands:
    - A) the cognitive processes associated with various kinds of learning and how these processes can be stimulated.
    - B) principles and techniques associated with various teaching strategies, including their advantages and limitations for achieving different purposes.
  - 2) Performance - The competent ECSE teacher:
    - A) implements developmentally and functionally appropriate individual and group activities using a variety of formats including play, environmental routines, family-mediated activities, small group projects, cooperative learning, inquiry experiences, and systematic instruction.
    - B) manages space, time, materials, peers, and adults to maximize children's progress in a variety of group, community, and home settings, and monitors and adjusts strategies in response to children's engagement and

learning.

- C) incorporates knowledge and strategies contributed by professionals from the disciplines (e.g., occupational therapy) into instructional delivery.
- D) demonstrates appropriate use of a variety of technologies, including adaptive and assistive technologies, to enhance children's development and learning.
- E) assumes instructional roles of instructor, facilitator, coach, or audience in relation to the context, content, purposes of the instructional setting, needs and interests of children, and priorities and concerns of families with respect to their children's development.
- F) monitors achievement of IEP and IFSP goals and outcomes within daily routines and planned instructional activities within school, community, and home environments and modifies instructional plans as needed.
- G) implements basic health, nutrition, and safety management practices for young children and practices regarding childhood illness and communicable diseases, including specific procedures for infants and toddlers.
- H) implements nutrition and feeding strategies for children with disabilities and special health care needs.
- I) implements aspects of medical care appropriate to the instructional setting, including methods for maintaining technology-dependent young children.
- g) Communication - The competent ECSE teacher uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in a variety of individual and group learning environments, including inclusive classrooms, community, and home.
  - 1) Knowledge - The competent ECSE teacher understands:
    - A) the interrelationships among culture, language, thought and expression, and the function of the home language in the development of young children.
    - B) communication theory, language development, and the role of language in learning.
    - C) the social, intellectual, and political implications of language use and how they influence meaning.
    - D) ethical practices for confidential information and communication, including ethical practices implied by collaborating with families in early development and learning.
  - 2) Performance - The competent ECSE teacher:
    - A) models accurate, effective communication when conveying ideas and information and when asking questions and responding to children and other adults.
    - B) employs communication skills that encourage sharing of information and ideas, including reflective listening,

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- reframing, and constructive feedback.
- C) selects and employs written, verbal, nonverbal and visual language modes and styles that are responsive to audience and purpose and respectful of individual differences due to culture, language, or disability.
- D) creates opportunities for all children to use effective written, verbal, nonverbal, and visual communication.
- E) establishes and maintains positive, collaborative relationships with families and other professionals, recognizing and using the dynamics of team roles, interaction, communication, team building, problem solving, and conflict resolution.
- F) establishes effective lines of communication with other professionals in the school and in community agencies concerned with children and families.
- h) Assessment - The competent ECSE teacher uses an array of formal and informal assessment sources and approaches to gather information needed for making decisions about individual and group developmental and learning curriculum goals and instructional approaches that are appropriate and responsive to young children and their families.

## 1) Knowledge - The competent ECSE teacher understands:

- A) typical procedures used at different points in the special education process in relation to the decisions being made, including decisions related to screening, pre-referral, referral, classification, and instructional planning and progress evaluation.
- B) informal instruments and approaches for making placement and instructional decisions with respect to young children with disabilities, including those from culturally and/or linguistically diverse backgrounds.
- C) measurement theory and assessment-related issues, such as validity, reliability, bias, and scoring, including their applicability in evaluating assessments as applied to young children.
- 2) Performance - The competent ECSE teacher:
- A) gathers background information regarding medical, developmental, educational, and family history.
- B) assesses children's cognitive, social-emotional, communication, motor, adaptive, and aesthetic development, as well as curriculum-related learning, as appropriate.
- C) uses a variety of informal and formal assessment instruments and procedures to make decisions about children's learning and development and to develop and monitor instructional approaches.
- D) bases instructional decisions on a variety of culturally unbiased assessment instruments and procedures.
- E) selects, adapts, constructs and administers assessment instruments and procedures based on the purpose of the

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- assessment being conducted and in compliance with established criteria and standards.
- F) evaluates the supports needed by children with a variety of disabilities and characteristics for inclusion within various program placements.
- G) develops and uses authentic, performance-based assessments of children's learning to assist in planning, to communicate with children and families, and to engage children in self-assessment.
- H) adapts assessment for children with specific sensory and motor disabilities.
- I) develops and uses formative and summative program evaluation to reflect on and modify individual and group instruction.
- J) involves family members as active participants in the assessment process.
- K) participates and collaborates with other professionals as a team member in conducting assessments that respond to and respect families' priorities, concerns, and characteristics.
- L) communicates assessment results and integrates assessment results from others in the development and implementation of an IEP or IFSP.
- M) monitors, summarizes, and evaluates the attainment of child and family outcomes as outlined on the IEP or IFSP, using appropriate technologies to monitor and maintain records that convey meaningful information to families and to other professionals.
- i) Collaborative Relationships - The competent ECSE teacher develops and maintains productive, collaborative relationships with families, communities, and professionals across the range of services and service systems needed to meet the developmental, learning, and service goals and priorities of young children with disabilities and their families.
- 1) Knowledge - The competent ECSE teacher understands:
- A) early childhood settings and other agencies related to young children and families as organizations within the larger community context.
- B) situated learning and the need for collaboration with families, business organizations, and other interested citizen groups.
- C) the structures and skills necessary to establish collaborative relationships with families, other professionals, and other community agencies.
- D) the array of community resources, including when and how to access appropriate early childhood settings and community resources to assist children and families.
- E) various models of consultation and their application in school, community, and home settings.
- F) family systems theory and the dynamics, roles, and



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- relationships within families.
- G) differences in family structures and in family beliefs and practices related to social and cultural backgrounds.
- H) the typical concerns of families of children with exceptional needs and appropriate strategies for collaborating with families in addressing these concerns.
- I) the roles of children, families, teachers, and personnel of community agencies in other early childhood settings in planning an individualized program.
- J) structures supporting interagency collaboration, including interagency agreements, referrals, and consultation.
- 2) Performance - The competent ECSE teacher:
- A) establishes and maintains positive, collaborative relationships with families and with other professionals in school and community settings to support children's development, learning, and well-being.
- B) conducts collaborative conferences with families to identify their priorities, concerns, and resources with respect to their children's development and learning.
- C) links families with a range of family-oriented services based on identified priorities, resources, and concerns.
- D) respects families' choices and goals for their children and communicates effectively with families about curriculum and children's progress.
- E) involves families in assessing and planning for individual children, including children with disabilities.
- F) implements a range of family-oriented services based on family-identified resources, priorities, and concerns.
- G) supports families in making decisions related to their children's development and learning.
- H) communicates options for programs and services and assists families in planning for transition.
- I) collaborates with school and community personnel and with families in including children with disabilities in various instructional environments in the school and community.
- J) provides supervision, consultation and training to adults in diverse settings in areas specific to services for children and families and organization/development of programs, using principles of adult learning and collaborative consultation.
- K) fulfills functions of teams as determined by mandates and service delivery needs of children and families.
- L) engages in a variety of roles and interaction strategies to achieve effective functioning among members of the instructional team, including teaching assistants, therapists, family members, community child care teachers, and volunteers.
- M) identifies, evaluates, and designs processes and strategies that support transition between hospital, infant/toddler,

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- primary, and primary programs.
- N) collaborates with families and other professionals to evaluate services to young children with disabilities and their families.
- J) Reflection and Professional Growth - The competent ECSE teacher is a reflective practitioner who continually evaluates how choices and actions affect children, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
- 1) Knowledge - The competent ECSE teacher understands:
- A) that reflection is an integral part of professional growth and improvement.
- B) methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice.
- C) major areas of research on the learning process and resources that are available for professional development.
- 2) Performance - The competent ECSE teacher:
- A) articulates a philosophy and rationale for decisions and continually self-assesses and evaluates the effects of choices and actions on others (e.g., children, families, other professionals) as a basis for program planning and modification and continuing professional development.
- B) uses self-observation, information about children, pedagogical knowledge, and resources as sources for active reflection, evaluation, and revision of practice.
- C) collaborates with other professionals and families as resources for problem solving, generating new ideas, sharing experiences, and seeking and giving feedback.
- D) participates actively in professional organizations and engages in professional dialogue to support his/her own development.
- E) reads and critically applies research and recommended practices.
- k) Professional Conduct - The competent ECSE teacher understands education as a profession, both in general and as it is manifested within the educational community and the social service and family settings in which young children develop and learn, maintains standards of professional conduct, and provides appropriate leadership within these settings to improve children's learning and well-being.
- 1) Knowledge - The competent ECSE teacher understands:
- A) trends, issues and debates in ECSE, early childhood education, special education, and related fields, including legislation, policy, and program practices related to young children and the early childhood profession.
- B) the field of early childhood special education, its multiple historical, philosophical, and social foundations, and how these foundations influence current thought and practice.

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- C) the basic principles of administration, organization, and operation of a variety of early childhood programs and agencies, including their role in the community.
- D) federal, state, and local social policies and procedures applicable to and influential in school programs.
- E) assurances and due process rights and procedures related to assessment, eligibility, and placement, including rights and responsibilities of families, students, teachers and other professionals, and early childhood settings as they relate to individual learning needs.
- F) cultural biases and differences that affect teaching.
- 2) Performance - The competent ECSE teacher:
- A) uses appropriate health appraisal procedures and recommends referral to appropriate community health and social service organizations.
- B) recognizes signs of emotional distress, child abuse, and neglect in young children and follows procedures for reporting known or suspected abuse or neglect to appropriate authorities.
- C) implements family services consistent with due process safeguards.
- D) articulates the historical, philosophical, and legal basis of services for young children both with and without disabilities and other special needs.
- E) identifies ethical and policy issues related to educational, social, and medical services for young children and their families.
- F) identifies legislation that affects children, families, and programs for children.
- G) follows policy and procedures of school or agency, respecting boundaries of families.
- H) serves as an advocate on behalf of young children and their families for improved quality of programs and services for young children and enhanced professional status and working conditions for early childhood special educators.
- I) initiates and develops new projects and programs to support the development and learning of young children.
- J) participates in the life of the school or agency through activities such as policy development, curriculum development, staff development, and family support.
- K) contributes knowledge and expertise about teaching and learning to the profession.
- L) articulates a personal philosophy of early childhood special education, including its relationship with general and special education.
- M) conducts instructional, monitoring, evaluation, and other professional activities consistent with the requirements of local, state, and federal law, rules and regulations, and

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- N) policies and procedures. serves as a model for children by demonstrating moral and ethical behavior, an inquisitive attitude toward learning, and respect for individual differences, including differences related to disability and to culture and language.
- O) demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities.
- P) demonstrates positive regard for the culture, religion, gender, and sexual orientation of other individuals.
- Q) practices within the codes of ethics, standards and policies of the education profession and of professional organizations.

## Section 28.300 Standards for the Learning Behavior Specialist II (LBS II)

The "Learning Behavior Specialist II" ("LBS II") is an optional, advanced credential that shall be available beginning January 1, 2003, to holders of standard or master certificates endorsed in any of the areas addressed by Sections 28.200 through 28.230 of this Part. To qualify as an LBS II, an individual shall be required to meet the standards for one or more of the areas of specialization delineated in Sections 27.310 through 28.370 of this Part by completing an approved program.

- a) Beginning July 31, 2002, a teacher preparation program or course of study leading to the issuance of a credential in any of these areas shall be approved only if the content of that program or course of study includes material that will enable candidates to meet the applicable standards set forth in Sections 28.310 through 28.370 of this Part.
- b) Some Learning Behavior Specialist II endorsements relate to meeting the needs of students with specified disabilities. However, no such endorsement shall prohibit a certificate-holder from providing services to students outside the area of specialization encompassed by that endorsement.

## Section 28.310 Standards for the LBS II/Transition Specialist

- a) Foundations - The competent transition specialist understands the philosophical, historical, and legal foundations of special education.
- 1) Knowledge - The competent transition specialist understands:
- A) theoretical and applied models of transition.
- B) transition-related legislation in the fields of special and vocational education, rehabilitation, labor, and civil rights.
- C) the roles of federal, state, and local legislation and implications for providing transition services at the local level.

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- D) history of national transition initiatives.  
 E) research on student outcomes and effective transition practices.
- 2) Performance - The competent transition specialist meets the performance standards set forth in Section 28.100(a)(2) of this Part.
- b) Characteristics of Learners - The competent transition specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
- 1) Knowledge - The competent transition specialist understands:
- A) implications of student characteristics with respect to post-school outcomes, environments, and support needs.
  - B) school and post-school services available to specific populations of individuals with disabilities.
- 2) Performance - The competent transition specialist meets the performance standards set forth in Section 28.100(b)(2) of this Part.
- c) Assessment - The competent transition specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
- 1) Knowledge - The competent transition specialist understands:
- A) formal and informal career and vocational assessment approaches.
  - B) formal and informal approaches for identifying students' interests and preferences related to post-school goals and educational experiences.
- 2) Performance - The competent transition specialist:
- A) matches skills and interests of the student to skills and demands required by vocational or employment settings, community residential situation, and other community participation options.
  - B) interprets results of career and vocational assessment for individuals, families, and professionals.
  - C) in collaboration with individuals with disabilities and agencies, designs, implements, and uses program evaluation procedures to assess and improve the effectiveness of transition education and services, including evaluation of students' post-school outcomes.
  - D) uses a variety of formal and informal career, transition, and vocational assessment procedures.
- d) Planning for Instruction - The competent transition specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.

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- 1) Knowledge - The competent transition specialist understands:
- A) job seeking and job retention skills identified by employers as essential for successful employment.
  - B) vocational education methods, and curricula.
  - C) the range of post-school options within specific outcome areas.
  - D) transition planning strategies that facilitate information collection and input from appropriate participants.
- 2) Performance - The competent transition specialist:
- A) identifies a variety of outcomes and instructional options specific to the community for each post-school outcome area.
  - B) assists teachers to identify, in conjunction with the student, appropriate educational program planning team members.
  - C) evaluates students' educational programs with respect to measurable post-school goals and alignment of those goals with instructional activities.
  - D) monitors student, family, and agency participation in transition planning and implementation.
  - E) demonstrates procedures to ensure the inclusion of specific transition-related goals in the educational program plan.
- e) Learning Environment - The competent transition specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent transition specialist understands:
- A) methods for providing work-based and other community-based education for individuals with disabilities.
  - B) methods for linking appropriate academic content to transition-related goals.
- 2) Performance - The competent transition specialist:
- A) identifies and facilitates appropriate modifications within work, residential, vocational training, and other community environments.
  - B) assesses and develops natural support systems to facilitate transition to specific post-school environments.
  - C) develops residential, work-based, and other community-based educational programs for individuals with exceptional learning needs.
- f) Collaborative Relationships - The competent transition specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent transition specialist understands:
- A) methods and strategies for increasing families' knowledge and skills about transition-related issues and topics, including transition-focused educational program



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- development.
- B) procedures and requirements for referring students to community service agencies.
  - C) methods for increasing collaborative transition service delivery through interagency agreements and collaborative funding.
  - D) strategies for involving individuals with disabilities in all levels of collaborative transition program planning and evaluation.
- 2) Performance - The competent transition specialist:
- A) systematically identifies family service needs related to transition outcomes and assists families to connect with support networks.
  - B) involves individuals with disabilities, families, and community agencies in establishing transition-related policy.
  - C) assesses and uses student support systems to facilitate the post-school transition of individuals with disabilities.
  - D) provides transition-focused technical assistance and professional development in collaboration with family members for educators, community agency personnel, and other relevant transition stakeholders.
  - E) collaborates with and participates in transition-focused interagency coordinating bodies.
  - F) develops coordinated interagency strategies to collect, share, and use student assessment data, with appropriate input and authorization of students and families.
  - G) uses strategies for resolving differences that may arise in the implementation of interagency agreements or the provision of transition services for individuals with disabilities.
  - H) identifies future post-school service needs using transition planning documents in conjunction with relevant agencies.
- 9) Professionalism and Ethical Practices - The competent transition specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge - The competent transition specialist understands:
    - A) the scope and role of a transition specialist.
    - B) the scope and role of agency personnel related to transition-focused education and services.
  - 2) Performance - The competent transition specialist demonstrates positive regard for the capacity and operating constraints of community organizations involved in transition-focused education services.

## Section 28.320 Standards for the LBS II/Technology Specialist

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- a) Foundations - The competent technology specialist understands the philosophical, historical, and legal foundations of special education.
- 1) Knowledge - The competent technology specialist understands:
    - A) concepts and issues related to the use of technology in education and other aspects of our society.
    - B) issues in diversity and assistive technology.
  - 2) Performance - The competent technology specialist:
    - A) articulates a personal philosophy and goals for using technology in special education.
    - B) uses technology-related terminology appropriately in written and oral communication.
    - C) describes legislative mandates and governmental regulations and their implications for technology in special education.
  - b) Characteristics of Learners - The competent technology specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
  - 1) Knowledge - The competent technology specialist understands the impact of technology at all stages of development on individuals with exceptional learning needs.
  - 2) Performance - The competent technology specialist:
    - A) matches characteristics of individuals with exceptional learning needs with technology product or software features.
    - B) identifies the demands placed on the user by computers, software, and related technology materials.
  - c) Assessment - The competent technology specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
  - 1) Knowledge - The competent technology specialist understands the use of technology in the assessment, diagnosis, and evaluation of individuals with disabilities.
  - 2) Performance - The competent technology specialist:
    - A) uses technology to collect, analyze, summarize, and report student performance data to aid instructional decision-making.
    - B) identifies functional needs, screens for functional limitations, and determines if the need for a comprehensive assistive or instructional technology evaluation exists.
    - C) monitors outcomes of technology based interventions and reevaluates and adjusts the system as needed.
    - D) assists individuals with disabilities in clarifying and prioritizing functional intervention goals regarding technology based evaluation results.
    - E) works with team members to identify assistive and instructional technologies that can help individuals meet the demands placed upon them in their environments.
    - F) identifies placement of devices and positioning of the

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individual to optimize the use of assistive or instructional technology.

- G) examines alternative solutions and trial periods with potential assistive or instructional technologies prior to making a purchase decision.

- H) makes technology decisions based on a continuum of options ranging from no technology to high technology.

- d) Planning for Instruction - The competent technology specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.

- 1) Knowledge - The competent technology specialist understands procedures for evaluating computer software and other technology materials for their potential application in special education.

- 2) Performance - The competent technology specialist:

- A) identifies elements of the curriculum for which technology applications are appropriate and ways they can be implemented.

- B) identifies and operates software that meets educational objectives for individuals with disabilities' learning needs in a variety of educational environments.

- C) identifies and operates instructional and assistive hardware, software, and peripherals.

- D) designs, fabricates, and installs assistive technology materials and devices to meet the needs of individuals with disabilities.

- E) provides consistent structured training, according to individuals with disabilities' needs to operate instructional and adaptive equipment and software, until mastery is achieved.

- F) verifies proper implementation of mechanical and electrical safety practices in the assembly and integration of the technology to meet the needs of individuals with disabilities.

- G) instructs others in the operation, maintenance, and warranties of the technology and trouble-shooting techniques that may be needed.

- H) uses communication technologies to access information and resources electronically.

- I) develops and implements contingency plans in the event that assistive or instructional technology devices fail.

- e) Learning Environment - The competent technology specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- 1) Knowledge - The competent technology specialist understands:

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- A) funding sources and processes for the acquisition of assistive technology devices and services.
- B) national and state pre-kindergarten through grade 12 technology standards.

- C) procedures for the organization, management, and security of technology.

- D) ergonomic principles to facilitate the use of technology.

- 2) Performance - The competent technology specialist:

- A) evaluates features of technology systems.

- B) develops clear specifications and/or drawings necessary for technology acquisitions.

- C) writes proposals to obtain funds for technology hardware and software.

- D) provides technology support to students who are receiving instruction in general education classrooms.

- f) Collaborative Relationships - The competent technology specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.

- 1) Knowledge - The competent technology specialist understands:

- A) the importance of collaboration with teachers, administrators, pupil personnel services personnel, parents, and others in a culturally responsive program.

- B) when to refer individuals with disabilities' needs to another professional regarding technology.

- 2) Performance - The competent technology specialist:

- A) conducts in-service training in applications of technology in special education.

- B) refers team members and families to assistive and instructional technology resources.

- C) collaborates with other team members in planning and implementing the use of assistive and adaptive devices.

- g) Professionalism and Ethical Practices - The competent technology specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.

- 1) Knowledge: The competent technology specialist understands equity, ethical, legal, and human issues related to technology in special education.

- 2) Performance - The competent technology specialist:

- A) maintains ongoing professional development to acquire knowledge and skills about new developments in technology.

- B) adheres to copyright laws about duplication and distribution of software and other copyrighted technology materials.

- C) advocates for assistive or instructional technology on individual and system change levels.

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## Section 28.330 Standards for the LBS II/Bilingual Special Education Specialist

- a) Foundations - The competent bilingual special education specialist understands the philosophical, historical, and legal foundations of special education.

- 1) Knowledge - The competent bilingual special education specialist understands:

- A) cross-cultural patterns, practices or attitudes, and their effect on cognitive, affective, behavioral, and motivational development.
- B) current theories and practices of bilingual education, bilingual special education, and English as a Second Language (ESL).
- C) legislation, litigation, funding, and current research relative to special education services for Linguistically and Culturally Diverse (LCD) students.

- 2) Performance - The competent bilingual special education specialist:

- A) understands and speaks proficiently in the primary language spoken by students and parents (L1) and in English (L2).
  - B) reads, comprehends, and writes proficiently in L1 and L2.
  - C) facilitates the development of cross-cultural competencies in students.
  - D) incorporates contributions and content material from diverse cultural groups into educational programming.
  - E) articulates a rationale for bilingual special education and for use of ESL strategies in special education.
- b) Characteristics of Learners - The competent bilingual special education specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).

- 1) Knowledge - The competent bilingual special education specialist understands theories of first and second language acquisition.

- 2) Performance The competent bilingual special education specialist:

- A) identifies structural differences between the student's first and second languages and the interaction between the two languages.
  - B) effectively discriminates between characteristics of a language disorder and L2 acquisition processes.
- c) Assessment - The competent bilingual special education specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.

- 1) Knowledge - The competent bilingual special education specialist:

- A) can analyze the student's receptive and expressive languages at the phonological, syntactical, morphological, semantic,

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and pragmatic levels in L1 and L2 (L2 only for ESL).

- B) understands assessment procedures and instruments, both standardized and authentic, to evaluate LCD students' language proficiency, language dominance, language development, and achievement.

- 2) Performance - The competent bilingual special education specialist:

- A) recognizes potential linguistic and cultural biases of standardized and authentic assessments and adapts procedures for LCD students.
- B) assesses in both L1 and L2 and is able to interpret results including implications for instruction. (L2 only for ESL).
- C) designs and implements formative and summative evaluations relative to educational interventions and programming for LCD students with disabilities.

- d) Planning for Instruction - The competent bilingual special education specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.

- 1) Knowledge - The competent bilingual special education specialist:
- A) knows sources for materials appropriate for LCD students with disabilities.
  - B) knows theories and practices of transition from L1 to L2 in literacy instruction.

- 2) Performance - The competent bilingual special education specialist develops instructional goals based on the identified levels of language proficiency in L1 and L2 acquisition for students with disabilities.

- e) Learning Environment - The competent bilingual special education specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- 1) Knowledge - The competent bilingual special education specialist meets the standards set forth in Section 28.100(e)(1) of this Part.

- 2) Performance - The competent bilingual special education specialist creates a learning environment that fosters successful social and academic experiences through knowledge related to the L2 acquisition and acculturation processes.

- f) Instructional Delivery - The competent bilingual special education specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).



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- 1) Knowledge - The competent bilingual special education specialist meets the standards set forth in Section 28.100(f)(1) of this part.
- 2) The competent bilingual special education specialist:
  - A) utilizes assessment and other relevant data to adapt instructional programs appropriate for bilingual, non-English and limited-English proficient students with disabilities.
  - B) evaluates the effectiveness of instructional strategies and methods and modifies them to meet the unique linguistic and academic needs of LCD students with disabilities.
  - C) uses bilingual paraeducators effectively for assistance in instruction and evaluation purposes.
  - D) implements varied teaching techniques appropriate for LCD students (e.g., mediated learning, holistic approaches to literacy development, and natural language approach).
  - E) provides instruction in L1 and L2 to implement the IEP.
  - F) provides instruction using ESL approaches.
- g) Collaborative Relationships - The competent bilingual special education specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
  - 1) Knowledge - The competent bilingual special education specialist meets the standards set forth in Section 28.100(g)(1) of this part.
  - 2) Performance - The competent bilingual special education specialist:
    - A) serves as a consultant to general educators who serve LCD students with disabilities.
    - B) facilitates communication among parents, guardians, child advocates and other educational personnel involved in the educational program of the LCD students.
    - C) contributes instructional recommendations as a member of IEP teams responsible for the design and implementation of the instructional program for LCD students with disabilities.
    - D) communicates with the parents concerning the educational needs of their children and facilitates active participation of the parents and guardians in the development of the IEP.
    - E) translates content materials, instructions, letters, etc., to parents and community members into their primary language.
- h) Professional Conduct and Leadership - The competent bilingual special education specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being. The competent bilingual special education specialist meets the standards set forth in Section 28.100(h) of this part.

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- i) Reflection and Professional Growth - The competent bilingual special education specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent bilingual special education specialist meets the standards set forth in Section 28.100(i) of this part.

**Section 28.340 Standards for the LBS II/Deaf-Blind Specialist**

Beginning January 1, 2003, an individual seeking this endorsement shall be required to pass an examination based on the standards set forth in this Section in addition to completing an approved program.

- a) Foundations - The competent deaf-blind specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge - The competent deaf-blind specialist understands:
    - A) communication and language theories, approaches, and research that are applicable to teaching learners who are deaf-blind.
    - B) the history of the practices, people, and events that have had or currently do have an impact on the lives of people who are deaf-blind and their possible relevance to current educational practices.
    - C) specialized roles of educators and learners who are deaf-blind.
    - D) clinical, functional, and legal definitions of deaf-blindness, blindness/visual impairment, and deafness/hearing loss.
  - 2) Performance - The competent deaf-blind specialist accesses and evaluates current related research and practices in communication for their possible relevance in teaching the learner.
    - b) Characteristics of Learners - The competent deaf-blind specialist understands how disabilities impact the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.
      - 1) Knowledge - The competent deaf-blind specialist understands:
        - A) the critical roles of vision and hearing in all learning.
        - B) the complex and unique effects of combined vision and hearing losses upon all learners who are deaf-blind.
        - C) the diversity within the population of learners who are deaf-blind.
        - D) the potential isolating effects of combined hearing and vision losses upon the learner who is deaf-blind.
        - E) the potential impact of the combined effects of hearing and vision losses upon the learner's opportunities for incidental learning.
        - F) the potential emotional implications of combined hearing and

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- vision losses upon the learner who is deaf-blind.
- G) the potential impact of the combined effects of hearing and vision losses upon the learner's personal relationships with others.
- H) the potential and complex effects of additional disabilities upon learners who are deaf-blind.
- I) the potential effects of the age of onset, degrees and/or progressions of hearing and vision losses upon learners who are deaf-blind.
- J) the major etiologies of deaf-blindness and the possible implications of etiologies in teaching the learner who is deaf-blind.
- K) the potential impact of the combined effects of vision and hearing losses upon the development of concrete and abstract concepts.
- L) linguistic forms/modes of communication used by learners who are deaf-blind.
- M) the structure and function of auditory and visual systems and how they interrelate in the learning process.
- N) impairments in the structure and the function of the auditory and visual systems.
- O) the influence of vision and hearing in motor development.
- 2) Performance - The competent deaf-blind specialist uses definitions of deaf-blindness, blindness/visual impairment, and deafness/hearing impairment to access services, materials, and assistance for the learner.
- c) Assessment - The competent deaf-blind specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge - The competent deaf-blind specialist understands:
- A) non-linguistic forms/modes used by learners who are deaf-blind.
- B) informal and formal communication assessment procedures that are appropriate for learners who are deaf-blind.
- C) functional and clinical assessments of vision and hearing.
- D) clinical assessments of vision and hearing that are used by learners who are deaf-blind.
- 2) Performance - The competent deaf-blind specialist:
- A) assesses and adapts to learners' pace/timing of communication.
- B) assesses how choice of color, textures, and patterns of clothing enhance or detract from social interaction.
- C) assesses non-linguistic forms of communication.
- D) assesses and interprets behaviors as intentional or non-intentional.
- E) assesses and interprets the meaning of the learner's use of objects.
- F) assesses and interprets the meaning of the learner's

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- intentional use of signals to communicate.
- G) assesses and interprets the meaning of the learner's natural gestures to communicate.
- H) assesses and responds to the communicative functions of positive and challenging behaviors/forms.
- I) assesses contexts (physical environments, people, things, and events) in which the learner who is deaf-blind communicates.
- J) assesses the communication opportunities and demands in specific contexts.
- K) gathers and maintains descriptive records/portfolios of the learner's communication repertoire across all settings to assess strengths, challenges, progress.
- L) assesses activities for their learner's communications opportunities and implements appropriate strategies.
- M) assesses how the learner processes auditory and visual information.
- N) assesses situations and environments in which the learner can benefit from use of FM systems (based upon the recommendations of the audiologist and other team members).
- O) assesses, describes, and explains the effects of vision and hearing losses upon the learner's movements.
- P) assesses the proprioceptive and kinesthetic variables in the environment.
- Q) assesses the visual variables in the environment that influence the learner's effective use of vision.
- R) assesses variables within specific environments that influence the learner's use of hearing.
- S) assesses the tactile variables within the environment.
- T) assesses and explains educational implications of visual and auditory impairments upon the learner.
- U) identifies, adapts, or develops strategies to assess the learner's functional use of vision and hearing.
- V) recommends the learner for additional visual and auditory evaluations/assessments when necessary.
- d) Planning for Instruction - The competent deaf-blind specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.
- 1) Knowledge - The competent deaf-blind specialist understands:
- A) the development of communication partnerships between learners who are deaf-blind and others.
- B) the possible communicative functions of behaviors of learners who are deaf-blind.
- C) the development of vocabulary (content) in learners who are deaf-blind, based upon their forms and functions of

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communication.

- D) the need for learners who are deaf-blind to have communication embedded/incorporated in all activities and settings.
- E) assistive listening, low vision and vibro-tactile devices that enhance auditory and visual functioning.
- F) technology to enhance orientation and mobility skills.
- G) visual, auditory, tactile, and olfactory information in various environments that influence learning.
- H) technological devices and appliances for independent living.
- I) visual, auditory, and tactile characteristics of materials needed by learners who are deaf-blind.

2) Performance - The competent deaf-blind specialist:

- A) provides opportunities for the learner to develop basic concepts through participation in meaningful and motivating real life experiences.
  - B) provides opportunities for the learner to actively explore and experience common objects that learners with vision and hearing learn about incidentally.
  - C) tactually models for the learner the functional use of objects.
  - D) provides opportunities for the learner to understand and express abstract concepts.
  - E) creates opportunities for turn-taking.
  - F) provides objects for the learner to anticipate activities, adjust to change within activities, and to terminate activities.
  - G) selects, adapts, and/or creates tools and procedures appropriate for the communication assessment of a learner who is deaf-blind.
  - H) accesses resources for alternative and augmentative communications assessment and communication devices.
  - I) accesses sources of devices and appliances that will enhance the learner's ability to live as independently as possible.
  - J) operates and maintains hearing aids, FM systems and vibro-tactile devices.
  - K) checks and maintains glasses, contact lenses, and low vision devices.
  - L) teaches the learner to use appropriate optical aids.
- e) Learning Environment - The competent deaf-blind specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent deaf-blind specialist understands the development of the learner's personal identity and relationships to another person or a group.
  - 2) Performance - The competent deaf-blind specialist:
    - A) establishes a trusting relationship with the learner who is

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deaf-blind by providing nurturance and consistency in people, interactions, and routines.

- B) uses personalized visual, auditory, and tactile forms to identify the person who is initiating the interaction with the learner.
- C) provides opportunities for the learner to recognize himself/herself and others by name.
- D) makes appropriate adaptations to enhance the learner's auditory functioning in a variety of physical environments.
- E) uses contrasting tactile cues or adaptations to assist the learner in gaining information about the environment.
- F) draws the attention of the learner to the sources of naturally occurring vibrations and smells in the environment.

f) Instructional Delivery - The competent deaf-blind specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).

1) Knowledge - The competent deaf-blind specialist understands:

- A) the development of body image in learners who are deaf-blind.
- B) the development of positive self-esteem in the learner who is deaf-blind.
- C) visual, auditory, and tactile adaptations that enhance social/communicative interactions between the learner who is deaf-blind and others.
- D) communication devices and technology that are appropriate for learners who are deaf-blind.
- E) the development of literacy in learners who are deaf-blind.
- F) the basic principles of orientation and mobility for learners who are deaf-blind.
- G) curricula specific to or adapted for learners who are deaf-blind.

2) Performance - The competent deaf-blind specialist:

- A) moves together (co-actively) with the learner in daily routines to establish body awareness and awareness of another person.
- B) uses touch to make the learner aware of his/her body and another's throughout functional and play activities.
- C) provides opportunities for the learner to learn the functions of body parts.
- D) provides opportunities for the learner's increased proprioceptive (feedback through muscles and body position) and kinesthetic (feedback through body movement) awareness during daily routines and planned activities.
- E) provides opportunities for the learner to develop confidence



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- by making choices.
- F) provides the learner with opportunities for self advocacy.
- G) provides opportunities for the learner to learn from naturally occurring successes and failures.
- H) creates opportunities for the learner to initiate conversations with or without words around topics of interest.
- I) uses appropriate distance between the learner and the communication partner.
- J) determines optimal position of the learner in relation to others that will enhance participation in group activities.
- K) maintains interaction at eye level of the learner who is deaf-blind or makes adjustment to accommodate for specific visual conditions.
- L) uses touch cues to initiate and terminate interactions.
- M) interprets for the learner information about other interactions and events taking place around him/her.
- N) reduces or eliminates unnecessary visual, auditory and tactile clutter.
- O) develops object communication systems for the learner to use receptively and expressively.
- P) uses formal sign language systems, both visually and tactually.
- Q) uses alphabet systems, both tactually and visually.
- R) uses the Tadoma method of speech reading.
- S) selects and prioritizes receptive and expressive vocabulary that is meaningful and motivating to the learner.
- T) responds to the learners' non-linguistic forms of communication while fostering opportunities to move to linguistic levels.
- U) develops strategies to encourage the learner to use multiple non-linguistic and linguistic modes/forms of communications depending upon the environment and communications partner(s).
- V) selects and prioritizes receptive and expressive vocabulary that is meaningful and motivating to the learner.
- W) models the use of vocabulary words that are meaningful and motivating to the learner.
- X) provides vocabulary for the learner to understand and express abstract concepts.
- Y) provides opportunities to use and expand vocabulary through frequent and natural conversations.
- Z) organizes vocabulary into syntax.
- AA) modifies existing reading materials to adjust for the learner's language level and reading media.
- BB) designs and makes non-technological communication devices that are appropriate to the learner's needs.
- CC) selects and/or adapts assistive technological devices as

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- tools for communication.
- DD) provides opportunities for the learner to use augmentative communication devices in a variety of environments and with a variety of communication partners.
- EE) provides opportunities and means for the learner to communicate within and about activities and places.
- FF) uses naturally occurring events for the learner to use and practice communication skills.
- GG) recommends appropriate positions to optimize visual functioning.
- HH) recommends appropriate positions to optimize auditory functioning.
- II) implements strategies to accommodate for and to improve the learner's visual and auditory functioning based upon assessment results.
- JJ) assists the learner in organizing information about space and objects within space.
- KK) models ways for the learner to move in and through space.
- LL) provides opportunities for the learner to move outward in progressively larger spaces.
- MM) adapts orientation and mobility techniques according to the learner's communication skills and ability to use residual hearing and vision.
- NN) provides opportunities for the learner who is deaf-blind and has physical disabilities to learn orientation and mobility skills.
- OO) teaches the learner to attend to kinesthetic and proprioceptive variables to inform him/her about how his/her body relates to the environment.
- PP) makes appropriate visual adaptations to accommodate for specific visual impairments.
- QQ) uses and adapts appropriate devices and appliances.
- RR) based upon clinical and functional assessments, uses and creates materials that will maximize the learner's use of vision, hearing, and touch in specific situations to meet the learner's visual, auditory and tactile needs.
- SS) incorporates literacy as part of the everyday activities according to the learner's experiences and interests.
- TT) uses touch to accommodate for lack of or distortion of visual and auditory information.
- g) Collaborative Relationships - The competent deaf-blind specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent deaf-blind specialist understands:
- A) the potential impact of deaf-blindness upon attachment/bonding between learners who are deaf-blind and

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their primary caregivers.

- B) effective use of communication support personnel to assure that the learner who is deaf-blind has optimal access to opportunities for receptive and expressive communication.
- C) resources that provide technical assistance at the local, state, and national levels related to the field of deaf-blindness.
- D) resources of support services for learners who are deaf-blind and their families.
- 2) Performance - The competent deaf-blind specialist:
  - A) assesses and explains the effects of combined vision and hearing losses upon relationships between the learner and his/her primary caregiver.
  - B) provides opportunities for the learner to learn about family relationships and relationships to others.
  - C) provides opportunities for the learner to understand the role of him/herself and others in the contexts of specific groups.
  - D) provides opportunities for the learner to meet and establish relationships with other people who are deaf-blind.
  - E) exchanges information about the learner's communication style/abilities with others to ensure consistency of interpretation and use of the learner's communication repertoire.
  - F) teaches significant peers and adults to communicate effectively with the learner who is deaf-blind.
  - G) exchanges on-going communication assessment findings with others to develop effective strategies that will enhance the learners' communication abilities.
  - H) identifies the responsibilities and the roles of the communication support personnel according to the needs of the learner and environments.
  - I) interprets for other team members clinical and functional information regarding the learner's vision and hearing.
  - J) recommends appropriate referrals to low-vision and hearing specialists in collaboration with other team members to assess the need for assistive devices.
  - K) collaborates with Orientation and Mobility specialists and other appropriate specialists in adapting strategies to encourage the learner to move safely and independently.
  - L) consults and collaborates with others who provide care, education, and adult services to people who are deaf-blind.
  - M) provides information and education to team members (including families) about the uniqueness of the disability of deaf-blindness.
  - N) provides training to caregivers, school personnel, and peers that will improve the quality of their interactions/relationships with the learner who is

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deaf-blind.

- h) Professional Conduct and Leadership - The competent deaf-blind specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
    - 1) Knowledge - The competent deaf-blind specialist meets the standards set forth in Section 28.100(h)(1) of this Part.
    - 2) The competent deaf-blind specialist advocates for learners who are deaf-blind and their families to obtain high-quality services ranging from early intervention to transition to adult services.
  - i) Reflection and Professional Growth - The competent deaf-blind specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent deaf-blind specialist meets the standards set forth in Section 27.100(i) of this Part.
- Section 28.350 Standards for the LBS II/Behavior Intervention Specialist**
- a) Foundations - The competent behavior intervention specialist understands the philosophical, historical, and legal foundations of special education.
    - 1) Knowledge - The competent behavior intervention specialist understands:
      - A) positive theoretical approaches and landmark research on behavior.
      - B) current state and federal laws, policies, and ethical principles regarding positive behavior management planning and implementation.
      - C) relationships among teacher attitudes, behavior, the learning environment, and individuals with exceptional learning needs.
      - D) crisis prevention and intervention research and issues.
      - E) the impact of cultural and linguistic diversity on student behavior and learning.
      - F) the impact of multiple disabilities on behavior and learning.
      - G) biophysical and environmental effects on behavior.
      - H) relationships between individual school discipline policies and students with IEPs.
    - 2) Performance - The competent behavior intervention specialist:
      - A) articulates a personal philosophy of behavior management consistent with standards of the profession and state and federal laws.
      - B) recognizes students' behaviors as age-appropriate based on observation and social validation.
  - b) Characteristics of Learners - The competent behavior intervention specialist understands the impact that disabilities have on the

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cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.

- 1) Knowledge - The competent behavior intervention specialist understands:

- A) similarities and differences of behavior of individuals with and without disabilities.
- B) the impact of varying disabilities on behavior.
- C) the communicative aspects of behavior.
- D) the effects of various medications on student behavior.
- E) the relationship between learners' behaviors and the intensity of service provision.

- 2) Performance - The competent behavior intervention specialist matches service provision to learners' academic and behavioral needs.

- c) Assessment - The competent behavior intervention specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).

- 1) Knowledge - The competent behavior intervention specialist understands:

- A) terminology used in functional and positive behavioral assessment.
- B) state and federal laws and regulations and ethical considerations of functional and positive behavioral assessment.
- C) the use and limitations of behavior rating scales, systematic recording procedures, authentic assessment, and/or functional assessment.
- D) duration and intensity of behavior and the influence on learner performance on formal and informal assessments.
- E) behavior as a form of communication.
- F) the relationship between determination of behavioral interventions and issues of screening, referral, and placement.

- 2) Performance - The competent behavior intervention specialist:

- A) uses systematic recording procedures, behavior rating scales, and authentic and/or functional assessment to identify a learner's behavioral needs.
- B) interprets and uses results from behavior rating scales, systematic recording procedures, and authentic and/or functional assessment in determining positive behavioral intervention needs for individuals with disabilities.
- C) communicates results of positive behavioral assessments to the learner and all stakeholders.
- D) adapts and modifies formal and informal assessments to accommodate behavioral needs of the learner.
- E) identifies positive behavioral supports needed to facilitate

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integration of a learner with disabilities that provide access to the general curriculum.

- d) Planning for Instruction - The competent behavior intervention specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.

- 1) Knowledge - The competent behavior intervention specialist understands:

- A) behavioral demands of various learning environments.
- B) the impact of learners' behaviors on instruction.
- C) the impact of learners' behaviors on interpersonal relationships with teachers, other service providers, and peers.

- D) positive behavioral intervention strategies.

- E) positive behavior management plan guidelines and key components.

- F) the rationale for targeting specific behaviors and selecting positive behavior management techniques.

- 2) Performance - The competent behavior intervention specialist:

- A) develops positive behavior management plans with consideration of demands of the learning environment, assessment results, and input of relevant stakeholders.
- B) implements positive behavior management plans.
- C) facilitates implementation of positive behavior management plans through collaborative relationships with classroom teachers and related service personnel.

- D) evaluates the effectiveness of positive behavior management plans and revises as needed.

- E) plans for effective transition and integration across settings.

- e) Learning Environment - The competent behavior intervention specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- 1) Knowledge - The competent behavior intervention specialist understands:

- A) reinforcement theories, techniques, and application.
- B) ways to create and positively modify learning environments that respect and value diversity.
- C) the continuum of placements and services, including alternative programs for individuals whose behavior is interfering with learning.
- D) issues, resources and strategies of integration and transition from most restrictive environments to least restrictive environments.

- 2) Performance - The competent behavior intervention specialist:



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- A) uses strategies for facilitation, maintenance, and generalization of behaviors across learning environments.
- B) teaches individuals to use problem-solving and self-regulation strategies to promote independence and successful transitions.
- C) designs learning environments that provide behavioral feedback from peers, teachers, and related service personnel.
- D) directs, observes, evaluates, and provides feedback to paraeducators and teachers in the implementation of positive behavioral interventions and management plans.
- E) implements a range of positive strategies that promote positive behavior, including crisis intervention and family support and involvement, in varied learning environments.
- F) monitors intragroup behavior changes across activities and learning environments.
- G) facilitates development and implementation of classroom routines, rules, and consequences in varied learning environments.
- F) Instructional Delivery - The competent behavior intervention specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge - The competent behavior intervention specialist understands:
- A) classroom management theories and positive strategies for individuals with exceptional learning needs.
  - B) research-based best practices for effective, positive management of teaching, learning, and behavior.
- 2) Performance - The competent behavior intervention specialist:
- A) sequences, implements, and evaluates individualized behavioral objectives.
  - B) integrates positive behavioral supports with academic curricula.
  - C) uses varied positive, non-aversive techniques for managing targeted behavior.
  - D) implements positive behavior management plans using systematic recording procedures, establishments of time lines, hierarchies of interventions, and schedules of reinforcement.
  - E) designs, implements, and evaluates behavioral support programs to enhance learners' social and community participation.
  - F) analyzes critical variables that have an impact on learners' behavior and designs and implements positive behavioral supports.

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- g) Collaborative Relationships - The competent behavior intervention specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent behavior intervention specialist understands:
- A) concerns of families of learners' whose behavior is interfering with learning and positive strategies to address these concerns.
  - B) strategies of mentoring and collaboration with other behavior intervention specialists, related service personnel, other educators, and paraeducators in implementation of positive behavioral interventions.
  - C) parent education programs and behavior management guides that address positive behavior management and facilitate collaboration and consultation.
  - D) collaboration and consultation issues in integration of individuals with significant behavioral problems transitioning into and out of alternative environments, including incarceration, psychiatric, and residential facilities.
- 2) Performance - The competent behavior intervention specialist:
- A) demonstrates skills of problem-solving and conflict resolution.
  - B) designs, implements, and evaluates in-services for teachers, related service personnel, and paraeducators that address positive behavioral intervention needs of learners.
  - C) synthesizes and communicates to stakeholders information available from family, school, the justice system, and referral agencies.
  - D) uses collaborative strategies and counseling techniques with families, learners, related service providers, and other professionals.
  - E) provides parent education in the implementation of positive behavioral supports in the home environment.
- h) Professional Conduct and Leadership - The competent behavior intervention specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) Knowledge - The competent behavior intervention specialist meets the standards set forth in Section 28.100(h)(1) of this Part.
- 2) Performance - The competent behavior intervention specialist:
- A) uses positive behavioral interventions with consideration of learners' physical freedom and social interaction.
  - B) uses positive behavioral interventions with respect for human dignity and personal privacy.
  - C) serves as an advocate for individuals and their families.

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- D) collaborates with appropriate agency individuals to reduce family stress and implement family support.
- i) Reflection and Professional Growth - The competent behavior intervention specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
- 1) Knowledge - The competent behavior intervention specialist meets the standards set forth in Section 28.100(i)(1) of this Part.
- 2) Performance - participates in professional development activities that assure that practice is consistent with the evolving behavioral research and literature.

**Section 28.360 Standards for the LBS II/Curriculum Adaptation Specialist**

- a) Foundations - The competent curriculum adaptation specialist understands the philosophical, historical, and legal foundations of special education.
- 1) Knowledge - The competent curriculum adaptation specialist understands:
- A) the general curriculum structure.
  - B) curricular issues and their associated implications for students with disabilities.
  - C) levels of influence affecting curriculum development and implementation (classroom, school, district, state, national).
  - D) state law related to the general curriculum.
  - E) processes for curriculum development.
  - F) philosophical, sociological, and psychological perspectives or models that undergird curricular development and instructional approaches for students with disabilities.
- 2) Performance - The competent curriculum adaptation specialist meets the standards set forth in Section 28.100(a)(2) of this Part.
- b) Characteristics of Learners - The competent curriculum adaptation specialist understand the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social and personal development of all students.
- 1) Knowledge - The competent curriculum adaptation specialist understands:
- A) learning research and implications for students with disabilities.
  - B) the impact of various disabilities, levels of disabilities, and combinations of disabilities on learning and skill - development.
  - C) the impact of listening skills on the development of critical thinking, reading comprehension, and oral and

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- written language.
- D) the impact of language development on the academic and social skills of individuals with disabilities.
- 2) Performance - The competent curriculum adaptation specialist:
- A) determines the appropriate curriculum for an individual based on the student's age, skills, learning strengths, and desired long-term outcomes.
  - B) modifies and adapts curricula appropriate to the student's learning style.
  - C) Assessment - The competent curriculum adaptation specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
  - 1) Knowledge - The competent curriculum adaptation specialist understands:
    - A) curriculum-based assessment and curriculum-based measurement as methods for determining instructional needs and monitoring student progress through curricula.
    - B) methods used for statewide assessment of student learning standards.
    - C) problem-solving models used to analyze curricular needs and learning characteristics of students.
    - D) alternative methods for assessing and grading student performance.
    - E) varied test-taking strategies.
  - 2) Performance: The competent curriculum adaptation specialist:
    - A) uses varied assessment strategies to determine appropriate curricular modification and adaptations for students with disabilities.
    - B) modifies specific assessment devices and assessment procedures to match the individual needs and learning style of students.
    - C) systematically monitors student progress through general and modified curriculum.
    - D) systematically measures and evaluates the effectiveness of curricular adaptations and/or modifications in instructional strategies on student learning.
    - E) conducts student error analyses to identify needed instructional modifications.
    - F) adapts formal tests to accommodate students' disabilities and modes of communication.
    - G) assesses reliable methods of response of individuals who lack communication and performance abilities.
  - d) Planning for Instruction - The competent curriculum adaptation specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline,

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students, community, and curriculum goals.

- 1) Knowledge - The competent curriculum adaptation specialist understands:
  - A) sources of specialized materials for individuals with disabilities.
  - B) a variety of approaches for modifying the general curriculum.
  - C) essential elements of social skills, life skills, study skills, and vocational and other alternative curricula.
  - D) strategies for modifying materials, changing teaching procedures, altering task requirements, or selecting an alternative task based on students' learning styles and needs.
- 2) Performance - The competent curriculum adaptation specialist:
  - A) modifies the general curriculum by analyzing what is taught, how it is taught, how the student will demonstrate proficiency, and the instructional setting needed by the student for successful learning.
  - B) utilizes the least intrusive intervention or adaptation first.
  - C) matches individual learning styles with appropriate curricular adaptations.
  - D) determines critical functional skills within the general curriculum.
  - E) selects instructional materials which engage students in meaningful learning.
- e) Learning Environment - The competent curriculum adaptation specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
  - 1) Knowledge - The competent curriculum adaptation specialist understands:
    - A) reinforcement theory and its application to learning.
    - B) the impact of the environment on student learning.
  - 2) Performance - The competent curriculum adaptation specialist modifies the learning environment based on a student's learning strengths, curricular needs, and appropriate instructional strategies.
- f) Instructional Delivery - The competent curriculum adaptation specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
  - 1) Knowledge - The competent curriculum adaptation specialist understands:
    - A) various methods for adapting content, instructional

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- strategies, instructional settings, and materials to maximize learning.
- B) various student learning strategies that increase capacity for learning.
  - C) study strategies to assist students in the completion of various tasks.
  - D) various methods for grouping students to maximize learning.
  - E) how technology may be used to maximize learning.
- 2) Performance - The competent curriculum adaptation specialist:
- A) develops an individualized curriculum for all students in the least restrictive environment.
  - B) adapts content, materials, and instructional strategies in reading to meet individualized needs.
  - C) adapts content, materials, and instructional strategies in mathematics to meet individualized needs.
  - D) adapts content, materials, and instructional strategies in language arts to meet individualized needs.
  - E) adapts content, materials, and instructional strategies in academic content areas (e.g., science and social studies) to meet individualized needs.
  - F) adapts content, materials, and instructional strategies related to social skills, life skills, vocational skills, and study skills to meet individualized needs.
  - G) uses research-supported instructional strategies and practices.
  - H) uses adaptations and strategies for facilitating maintenance and generalization of skills across environments.
  - I) uses assistive technology devices to meet individualized needs and maximize learning.
  - J) teaches students cognitive strategies which maximize learning.
- g) Collaborative Relationships - The competent curriculum adaptation specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge - The competent curriculum adaptation specialist understands models for co-teaching and consultation.
  - 2) Performance - The competent curriculum adaptation specialist:
    - A) collaborates with other educators concerning appropriate use of the different learning and instructional strategies for various students.
    - B) provides direct assistance, when needed, to general educators, other special educators, and related service personnel as adaptations are implemented.
    - C) assists general educators, other special educators, and related service personnel in anticipating and accounting for potential problems related to adaptations.



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- h) Professional Conduct and Leadership - The competent curriculum adaptation specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being. The specialist advocates for the use of curricular adaptations for all students which reflect the dignity of the learner and assures the integrity of the learning environment.
- i) Reflection and Professional Growth - The competent curriculum adaptation specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The specialist reflects on curricular adaptations which promote student growth and modifies strategies to enhance learning.

## Section 28.370 Standards for the LBS II/Multiple Disabilities Specialist

Beginning January 1, 2003, an individual seeking this endorsement shall be required to pass an examination based on the standards set forth in this Section in addition to completing an approved program.

- a) Foundations - The competent multiple disabilities specialist understands the philosophical, historical, and legal foundations of special education.
- 1) Knowledge - The competent multiple disabilities specialist understands:
    - A) ethical issues regarding treatment of individuals with medically fragile conditions.
    - B) in-depth knowledge of legislation, policies, and litigation regarding rights of individual students to education, guardianship, and community supports.
    - C) the process of policy change in advocating for individuals.
  - 2) Performance - The competent multiple disabilities specialist:
    - A) advocates for rights and services based on established legislation, policies, and litigation.
    - B) advocates for change in service delivery systems and policy.
    - C) demonstrates a commitment to the belief that all students can learn.
    - D) demonstrates a commitment to the belief that all students can live, work, and recreate in inclusive community settings.
  - b) Characteristics of Learners - The competent multiple disabilities specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
    - 1) Knowledge - The competent multiple disabilities specialist understands:
      - A) ethical issues regarding treatment of individuals with medically fragile conditions.
      - B) in-depth knowledge of legislation, policies, and litigation regarding rights of individual students to education, guardianship, and community supports.
      - C) the process of policy change in advocating for individuals.
    - 2) Performance - The competent multiple disabilities specialist:
      - A) advocates for rights and services based on established legislation, policies, and litigation.
      - B) advocates for change in service delivery systems and policy.
      - C) demonstrates a commitment to the belief that all students can learn.
      - D) demonstrates a commitment to the belief that all students can live, work, and recreate in inclusive community settings.

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- A) the identification of problems related to physical and medical procedures.
- B) the impact of terminal illness and its effect on individuals and families.
- C) the difference between physical disabilities and cognitive disabilities.
- 2) Performance - The competent multiple disabilities specialist:
  - A) monitors and communicates potential problems or concerns related to a student's physical or medical conditions to appropriate personnel (e.g., school nurse, parents).
  - B) performs special health care procedures such as feeding, positioning, suctioning, etc., under supervision of appropriate medical personnel.
- c) Assessment - The competent multiple disabilities specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
  - 1) Knowledge - The competent multiple disabilities specialist meets the standards set forth in Section 28.100(c)(1) of this Part.
  - 2) Performance - The competent multiple disabilities specialist:
    - A) designs and implements informal assessment procedures that distinguish physical and cognitive abilities in individuals with multiple disabilities across age groups and combinations of disabilities.
    - B) designs and implements informal assessment procedures that assess both physical and cognitive abilities in the context of priority skills across age groups and combinations of disabilities.
    - C) designs informal assessment procedures that incorporate principles of partial participation across age groups and combinations of disabilities.
    - D) develops and conducts informal assessments of assistive technology needs and services across age groups and combinations of disabilities.
    - E) develops and conducts informal assessments focused on ongoing effectiveness of assistive technology.
  - d) Planning for Instruction - The competent multiple disabilities specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
    - 1) Knowledge - The competent multiple disabilities specialist understands research that supports treatment approaches for persons with multiple disabilities.
    - 2) Performance - The competent multiple disabilities specialist:
      - A) develops longitudinal, outcome-based curriculum for students with multiple disabilities using a top-down, ecological

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inventory-based approach across age groups and combinations of disabilities.

- B) uses information about the student's strengths and needs and his/her desired educational outcomes to select appropriate scope and sequences in language arts and math (e.g., generalized, activity-specific).
  - C) utilizes community settings to instruct educational priorities across all curricular domains and age groups.
  - D) develops a community program (e.g., work sampling) designed to increase knowledge about vocational possibilities for students with multiple disabilities.
  - E) creates and implements a strategic, progressive series of experiences and learning opportunities that meet the complex needs of individuals with multiple disabilities in order to ensure long-term community-based employment outcomes.
  - F) develops programs that take into account preferences and choices for all ages of individuals with multiple disabilities, in the context of all instructional interactions and educational curricula.
  - G) develops scope and sequences that promote self-determination across all curricular areas.
  - H) considers an individual's medical and physical characteristics and needs in developing a schedule to maximize active learning throughout the school day.
- e) Learning Environment - The competent multiple disabilities specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge - The competent multiple disabilities specialist understands:
    - A) knowledge of components of positive behavioral support plans.
    - B) knowledge of strategies to socially-validate target behaviors, interventions, and effects of behavior interventions.
  - 2) Performance - The competent multiple disabilities specialist:
    - A) conducts functional assessments and functional analysis of problem behavior of individuals with multiple disabilities across age groups.
    - B) identifies socially valid problem behaviors and interventions across age groups.
    - C) maintains ethical standards in selection of treatment interventions, considering the vulnerability of individuals with multiple disabilities.
    - D) identifies behaviors that are functionally-equivalent to problem behaviors when designing functional communication programs.
- f) Instructional Delivery - The competent multiple disabilities

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specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).

- 1) Knowledge - The competent multiple disabilities specialist meets the standards set forth in Section 28.100(f)(1) of this Part.
- 2) Performance - The competent multiple disabilities specialist:
  - A) provides community-referenced and community-based instruction.
  - B) develops programs to facilitate mobility, including head and trunk control, sitting, crawling, standing, walking, and wheel chair use in the context of meaningful activities.
  - C) uses individualized assistive devices to enhance learning outcomes across curricular areas for students with multiple disabilities.
- g) Collaborative Relationships - The competent multiple disabilities specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
  - 1) Knowledge - The competent multiple disabilities specialist meet the standards set forth in Section 28.100(g)(1) of this Part.
  - 2) Performance - The competent multiple disabilities specialist:
    - A) teaches and supervises paraprofessional staff implementing physical and medical procedures for students with multiple disabilities.
    - B) collaborates with families, related service providers, and support personnel in identifying appropriate evaluation and intervention strategies.
    - C) initiates and assumes responsibility for coordinating multiple services provided to individual students with multiple disabilities.
    - D) identifies needs for equipment revision and/or new services and initiates contact with families and appropriate service providers.
    - E) collaborates with administrators and medical personnel in developing policies and procedures for meeting the physical and medical needs of individuals with multiple disabilities.
    - F) collaborates with appropriate personnel and family members in developing a written, individualized plan to address special health care needs.
- h) Professionalism and Ethical Practices - The competent multiple disabilities specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
  - 1) Knowledge - The competent multiple disabilities specialist has knowledge of consumer and professional organizations,

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- publications, and journals relevant to individuals with multiple disabilities across all ages.
- 2) Performance - The competent multiple disabilities specialist incorporates current information from professional literature into all teaching and related activities.
    - i) Reflection and Professional Growth - The competent multiple disabilities specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
      - 1) Knowledge - The competent multiple disabilities specialist meets the standards set forth in Section 28.100(i)(1) of this Part.
      - 2) Performance - The competent multiple disabilities specialist participates in the activities of professional organizations relevant to individuals with multiple disabilities.

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1 Statute Requiring Department to Publish Information Concerning the Administration of Credits in Regard to Payments of Illinois Privilege Tax

Name of the Act: Illinois Insurance Code  
Citation [215 ILCS 5/409 & 444]

2 Summary of Information

The Illinois Insurance Tax Task Force is publishing its Interim Report of progress made under the Governor's Executive Order 5 (2000), which addressed the Privilege Tax, [215 ILCS 5/409], and the Retaliatory Tax, [215 ILCS 5/444] in effect prior to 1998. The Report consists of a Preliminary Analysis from Innovation & Information Consultants, an economic consulting firm specializing in industrial organization, antitrust, and applied microeconomic analysis

The Report adopted by the Task Force on October 27, 2000 concerns its inquiry into whether foreign insurers doing business in Illinois bore the burden of the Privilege and Retaliatory Taxes existing prior to 1998

3 Name and Address of Person to Contact Concerning this Information

Robert Wagner, Esq.  
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## DEPARTMENT OF INSURANCE

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# State of Illinois



## INTERIM REPORT

of the

## ILLINOIS INSURANCE TAX TASK FORCE

An Inter-Departmental Task Force  
Executive Order Number 5 (2000)

October 27, 2000

**George H. Ryan**, Governor

**Philip R. O'Connor, Ph.D.**, Chairman

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### Members of the Illinois Insurance Task Force

**Philip R. O'Connor, Ph.D.**

Chairman  
President, NewEnergy  
Midwest, L.L.C.

**Richard L. Mathias**

Chairman, Illinois  
Commerce Commission

**Nathaniel S. Shapo**

Director, Illinois  
Department of Insurance

**Arnold Dutcher**

Chief Deputy Director,  
Illinois Department of  
Insurance

**Martin Noven**

Deputy Chief of Staff for  
Law and Policy,  
Illinois State Treasurer's  
Office

**Keith Staats**

General Counsel, Illinois  
Department of Revenue

**John Stevens**

General Counsel, Illinois  
Bureau of the Budget

**Eric Brenner**

Senior Advisor for  
Regulatory Affairs

**Zack Stamp**

President  
Zack Stamp, Ltd.

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**To the Governor**

The Illinois Insurance Tax Task Force has made substantial progress on the matters we have been directed to undertake pursuant to the Governor's Executive Order 5 (2000), which addressed the Privilege Tax, [215 ILCS 5/409], and the Retailatory Tax, [215 ILCS 5/444], imposed on foreign insurers and certain domestic insurers doing business in Illinois during the period prior to 1998. Center most in our analysis has been an inquiry into whether foreign insurers doing business in Illinois bore the economic burden of the Privilege and Retailatory Taxes. To assist us in this inquiry, the Task Force has engaged the firm of Innovation & Information Consultants, Inc., an economic consulting firm specializing in industrial organization, antitrust, public finance economics and applied microeconomic analysis, to conduct an economic study of the premium pricing and collection practices of insurance companies to determine the extent to which foreign insurance companies passed on insurance taxes to their policyholders.

The Preliminary Report the Task Force has received from Innovation & Information Consultants shows that a high proportion, and in some instances 100 percent, of the disputed taxes were passed on by foreign insurers to their Illinois policyholders, depending on the line of business. The Preliminary Report further shows that foreign insurance companies doing business in Illinois did not lose profits or market share as a result of the imposition of these taxes.

After reviewing the Preliminary Report and hearing from its author, Peter K. Ashton, the Task Force has resolved to adopt the Report and furnish it to you with this Interim Report.

Sincerely,

Philip R. O'Connor, Ph.D.  
Chairman

**PRELIMINARY****Analysis of the Passthrough of the Illinois Privilege Tax  
by Foreign Insurance Companies**

Report by

Peter K. Ashton  
Innovation & Information Consultants, Inc  
72 Junction Square  
Concord, Massachusetts 01742

October 2000

DEPARTMENT OF INSURANCE  
NOTICE OF PUBLIC INFORMATION**Preliminary Analysis of the Passthrough of the****Illinois Privilege Tax by Foreign Insurance Companies*****Introduction/Background***

My name is Peter K. Ashton and I am a consulting economist specializing in industrial organization, antitrust, and applied microeconomic analysis. I am the President and cofounder of Innovation & Information Consultants, Inc., an economic and management consulting firm. I have utilized economic analysis to study a wide variety of industries, and in particular I have applied different tools of economic analysis to examine the reaction of firms and consumers to changes in cost and price conditions. In the past, I have applied incidence analysis, statistical analysis, and deductive approaches to assessing the extent to which firms may pass on the burden of a cost or a tax to consumers in the prices paid by those consumers. For example, the Office of Hearings and Appeals of the U.S. Department of Energy in the *Stripper Well Overcharge* case concluded that incidence analysis and statistical analysis were the appropriate methods for measuring the extent to which crude oil costs were passed on to consumers. In cases involving restitutionary refunds of unconstitutional taxes, I have assisted the states of West Virginia and Hawaii in measuring the extent to which businesses absorbed the illegal tax. I have previously studied the insurance industry and assessed the extent to which an illegal business tax by insurers was passed on to consumers of insurance products. Also I have consulted with other groups and companies interested in understanding the relationship between costs and prices in various industries.

The state of Illinois imposed a tax on foreign and some domestic insurers<sup>1</sup> called a "Privilege Tax" which was assessed at a rate of 2 percent of an insurer's net premiums, less certain credits for other taxes, fees and assessments. My understanding is that the Privilege Tax has been held unconstitutional and I have been asked to evaluate the extent to which foreign insurers bore the burden of the tax and the extent to which they passed it on to their customers. The tools of economic analysis exist to analyze this issue and, as mentioned above, they have been used successfully in similar situations. These tools include what economists term "tax incidence analysis," statistical analysis, and analysis of market structure. These methods enable one to determine the extent of the passthrough of the Privilege Tax. In the rest of this report, I will discuss these methods in greater detail and provide my preliminary estimates of passthrough and absorption of the tax.

<sup>1</sup>The Privilege Tax was applied to a few domestic insurance companies that did not have an Illinois office or keep their books and records in the state. Other taxes are also assessed on domestic and foreign insurers in Illinois.

DEPARTMENT OF INSURANCE  
NOTICE OF PUBLIC INFORMATION**Executive Summary**

I have performed a preliminary analysis of the feasibility of analyzing and measuring the degree to which foreign insurance companies passed through the Privilege Tax to consumers in Illinois. I have studied this issue in the context of several other matters including other states facing the prospect of refunding unconstitutional taxes. The tools of economic analysis exist to permit the investigation and determination of the passthrough of a cost or a tax by producers of a good or service to consumers. These methods are based on the economics of supply and demand and investigate the relationships between supply factors and demand factors as well as resulting impacts on prices. These tools include what economists term "incidence analysis" which is based on public finance theory of who bears the burden of a tax, and examines the elasticity of demand and the elasticity of supply to determine the rate of passthrough. Statistical analysis may also be used to determine the rate of passthrough and to corroborate the results of the application of incidence analysis. This analysis measures the statistical relationship between prices and costs for the relevant firms in a given industry or market. Finally, one may evaluate changes in market shares and market structure to ascertain whether companies experienced a competitive advantage or disadvantage as a result of the tax. These methods are well-grounded in economics, have been applied successfully in other contexts, and may be used in this case.

In the report, I present my preliminary conclusions regarding the rate of passthrough of the Privilege Tax based on the application of these methods. My analysis has focused on the three major lines of insurance including life, accident and health, and property and casualty insurance. I have collected data on supply and demand conditions and quantitative estimates of elasticities, which indicate that passthrough of the Privilege Tax for life insurance was likely greater than 80 percent and for accident and health and property and casualty passthrough was likely greater than 85 percent. I have also performed a preliminary statistical analysis measuring the relationship between premiums and costs for companies doing business in Illinois, and this analysis suggests passthrough in the range of 70-95 percent depending on the line of insurance being investigated. Finally, my analysis of market share suggests that foreign insurance companies suffered no competitive disadvantage that was attributable to the Privilege Tax.



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**Methodology**

In this section I provide a more detailed discussion of the methods economists use to measure the extent to which a cost or a tax is passed on to consumers in the form of higher prices. These methods are based on traditional economic theory of supply and demand and the relationship between costs incurred by a company and the prices charged by that company. It is also important to remember that we are interested in the difference in the relative tax burden faced by foreign insurance companies versus domestic companies. Where the likelihood of pass-on increases between domestic and foreign insurers is small, then the likelihood of pass-on increases

**Tax Incidence Analysis**

Incidence analysis examines the supply and demand conditions in the marketplace to determine who bore the burden of a cost (tax). Supply and demand determine prices in the marketplace and those factors influencing supply and demand and hence price also affect company's ability to pass on a tax or a cost factor. Indeed economists use a standard formula to compute cost absorption by firms in an industry.<sup>2</sup> This formula is given by dividing the absolute value of the price elasticity of demand by the sum of the absolute value of the price elasticity of demand plus the price elasticity of supply, shown as follows:

$$A = \frac{E_d}{E_d + E_s}$$

Where

$$\begin{aligned} A &= \text{absorption of a cost by a firm} \\ E_d &= \text{price elasticity of demand (absolute value)} \\ E_s &= \text{price elasticity of supply (absolute value)} \end{aligned}$$

<sup>2</sup>Tax incidence analysis is a cornerstone of public finance economics, and a detailed discussion is typically found in most texts on public finance. For example, see Joseph E. Stiglitz, *Economics of the Public Sector* (New York: W. W. Norton & Co., Inc., 1988); Harvey S. Rosen, *Public Finance* (Boston: Irwin, 1995); John F. Due and Ann F. Friedlaender, *Government Finance: Economics of the Public Sector* (Homewood, Ill.: Richard D. Irwin, Inc., 1981); Edgar K. Browning and Jacqueline M. Browning, *Public Finance and the Price System* (New York: MacMillan Publishing Co., Inc., 1983); William J. Baumol and Alan S. Blinder, *Economics: Principles and Policy* (New York: Harcourt Brace Jovanovich, 1991). In addition to this work by economists, policymakers also have applied tax incidence analysis in the context of measuring how the tax burden is distributed among different groups of taxpayers in the national economy and how changes in tax policy affect that distribution. (See, for example, Joint Committee on Taxation, "Methodology and Issues in Measuring Changes in the Distribution of Tax Burdens," Staff Report (Washington, D.C.: Government Printing Office, June 1993).

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The result of this formula is a fraction or percentage of the cost or tax that is absorbed by the producing firm. Obviously, the complement of the absorption fraction is the passthrough fraction or the percentage amount of the cost or tax passed on to consumers. Because firms consider costs to be homogeneous in making pricing decisions, it does not matter whether the cost is a tax or reflects interest payments, or labor costs – each of these affects the supply and demand relationships in an equivalent manner and thus this method may be used to consider the impact of a tax on the pricing behavior of firms in an industry.

The price elasticity of demand measures the quantity consumers will demand in response to a change in price. For example, as gasoline prices rise, as they have recently, consumers respond by driving less and using less gasoline. More relevant to this case, as the price of insurance goes up, some consumers may choose to buy less insurance. Furthermore, economists speak of "inelastic" and "elastic" demand, elastic demand refers to the situation in which consumers' demand is very responsive to the amount of a price change, whereas inelastic demand reflects the situation in which consumers' demand does not vary as much with a price change.<sup>3</sup>

The same concepts apply on the supply side, but rather than measure responsiveness from the consumers' point of view, supply elasticity measures the responsiveness of producers (or in this case insurers) to offer more (or less) product in the marketplace with an increase (or decrease) in price. Thus if the price of insurance goes up, insurers are willing to supply more insurance in the market; the extent to which they supply more is measured by the price elasticity of supply. If the quantity supplied goes up in percentage terms by more than the percentage increase in price, supply is elastic, but if it goes up by less than the price increase, then supply is considered inelastic.

If one applies the absorption formula, it becomes relatively easy to see that if demand is inelastic, i.e., a low number, and supply is elastic, then absorption is low and pass-on is high. The reverse is also true, that is, if demand is elastic and supply is inelastic then passthrough is low and absorption is high. Not only does this make sense from a mathematical viewpoint, but it also makes sense from a common sense approach. If demand is inelastic, that is, consumers are willing to pay higher prices and not curtail demand, this is an indication that they are willing to "absorb" the higher price. If demand is elastic and price goes up, then demand falls significantly, consumers are less willing to pay for the price increase, and more of the burden of the price increase falls on the producers. On the supply side, if supply is elastic, then as price goes up, producers will supply more

<sup>3</sup>Technically, inelastic demand occurs when the percentage change in demand is less than the percentage change in price and is measured as less than -1. Elastic demand reflects the situation where the percentage change in demand is greater than the percentage change in price and is measured by a value greater than -1. Demand elasticity is measured as a negative number because the quantity response is inverse to the price movement: on the supply side, however, the quantity response is positively related to the price movement and elasticity is measured as a positive number.

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and be able to pass on the higher price; if supply is inelastic or constrained, then they are less able to pass-on the higher price by selling more of the product

Although the absorption formula is relatively easy to apply and compute, it requires information on elasticities of demand and supply for the relevant industry which are not always available. As I shall discuss below, in the insurance industry some estimates of supply and demand elasticities do exist and there is a wealth of other data and information that is highly suggestive of the range of elasticities one would observe in the industry. For example, one may study the relevant determinants of the elasticity of demand and/or supply. By understanding how these factors affect supply and demand in a particular industry, one may assess the available elasticity estimates, or if no such estimates exist, this information may be used to ascertain the relative magnitudes of the elasticities which can be used with other evidence (such as statistical analyses) to provide a measure of absorption

On the demand side, several factors influence the ability of producers of a good or service to increase prices without suffering a loss in sales. The availability of substitute products is perhaps the most important determinant of the elasticity of demand. If product "A" has close substitutes, then a relatively small increase in the price of product "A" will induce consumers to switch to product "B" which is a close substitute of "A." Analysis of substitutes must focus on both the suitability and the availability of the substitute products.<sup>4</sup> Also important on the demand side is the degree of product differentiation in an industry. Where there is considerable product differentiation, e.g., brand loyalty, demand tends to be more inelastic because consumers are loyal to a particular brand or product

On the supply side, the availability of alternative uses for the firm's resources (labor, capital, etc.) will influence the elasticity of supply. If these factors are specialized, then supply elasticity will be low; however, if they can be shifted to other uses, then supply becomes more elastic. Capacity utilization is another measure to evaluate supply elasticity. To the extent that capacity is underutilized, a price increase will draw forth greater production (supply), to the extent all factors of production are available and not being fully utilized, then supply is relatively elastic over that portion of the supply curve.<sup>5</sup> Finally, over the longer term, the extent to which barriers to entry exist will influence the elasticity of supply. If entry is easy, then supply will be more elastic, and where there are barriers, then supply will be more inelastic

<sup>4</sup>For example, a product may be a suitable substitute, e.g., margarine is a substitute for butter, but if that product is not available it cannot serve as an alternative to consumers

<sup>5</sup>This depends in part on the shape of the marginal cost curve facing firms in a given industry. In a situation of excess capacity, one assumes that even if marginal costs are rising, output can be profitably expanded with a price increase, i.e., marginal revenue exceeds marginal cost

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In most industries, including insurance, one does not observe *perfectly* elastic or inelastic demand or supply curves which means that almost all foreign insurance companies passed on a portion of the Privilege Tax to consumers. In some industries supply is often highly elastic, which suggests, all other things being equal, a high degree of passthrough, but one must assess the particular supply and demand conditions and quantitative measures of elasticity, if they exist, to determine the extent of passthrough

## Statistical Analysis

A second approach is to examine the statistical relationship between costs and prices over time. This method may be used both to corroborate the results of incidence analysis, and to establish independent values for passthrough. This approach is predicated on the assumption, well-grounded in economic theory, that the costs of various inputs (labor, materials, capital, taxes, etc.) influence the price of products sold by a company. Statistical or regression analysis is used to determine how the cost of one or more of these inputs is related to the price of the product. Regression analysis measures the relationship between a group of variables, known as independent variables, with a dependent variable, in this case the price or a change in price of the product under study. The independent variables would reflect the cost factors and other elements including taxes that influence price or the dependent variable

By examining the impact over time, it is possible to determine the amount of a cost and changes in costs that are passed on to consumers in the prices they pay for goods and services. One is measuring the factors influencing supply (cost) and demand relationships and prices for a given product. This analysis may be performed at the industry or firm level, with any assumed market structure, but requires considerable data collection. One must define the nature of the production process, identify those factors that one would expect to influence prices, and collect data on those factors

## Analysis of Market Shares

Finally, I have analyzed whether the unconstitutional tax caused any competitive harm to foreign taxpayers. Here one must examine changes in market share of foreign companies versus domestic companies and explore the reasons for such changes. For example, if one finds that foreign companies suffered a loss of market share as a result of the tax, and the most plausible explanation for that lost share was the unconstitutional tax, then one must examine sales levels, profit rates and unit profit margins to determine the extent of the competitive harm that foreign taxpayers may have suffered



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In the present situation in which the Privilege Tax has been in existence for many years, a more appropriate analysis is to focus on the period after which the tax was revised to see if foreign insurers have gained market share at the expense of domestic insurers to ascertain possible competitive harm. If foreign insurers have gained market share in the last two years, more detailed analysis must then be undertaken to determine the cause of the change in market share and whether alternative explanations exist to explain the change.

### *Application of the Methods to the Illinois Insurance Industry*

In this section of the report, I discuss my preliminary findings on the application of these various economic methods to the insurance industry in Illinois, and my preliminary conclusions regarding the extent to which foreign insurers passed on the Privilege Tax to their insurance customers. First, as noted above, it is important to understand that the tax burden faced by foreign insurance companies relative to that faced by domestic insurance companies is an important consideration in assessing passthrough, particularly in the context of the overall magnitude of costs these companies face. This means that during these years, the tax may have caused a relatively small shift in the supply curve for foreign insurers relative to domestic insurers. A relatively small net tax difference, especially when viewed against the overall cost structures of these companies, suggests a high degree of passthrough and little corresponding difference in the impact between domestic and foreign insurance companies.

In addition, the fact that the Privilege Tax had been in place for many years also tends to increase the likelihood that it was passed on to consumers. Economists find that, over the long run, firms must cover their costs or they will leave the business, and thus those foreign insurers who have paid the tax for many years and continued to do business in Illinois were in all likelihood recovering the tax in the premiums that they charged.

### **Incidence Analysis**

I have conducted a detailed review of the economics literature on the insurance industry to find empirical estimates of the price elasticity of demand and supply. The industry is generally divided into two broad categories, (1) life, accident and health, and (2) property and casualty. The literature generally treats the industry in a similar manner, and I will discuss the literature and my findings based on those two categories.

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### *Life, Accident and Health Insurance*

On the demand side, economists have generated empirical estimates of the elasticity of demand suggesting that demand is highly inelastic for life insurance. Life insurance is seldom sold on a "price basis," and consumers rarely know the true price of life insurance.<sup>7</sup> Although other investment alternatives, i.e., substitutes, may be available to some consumers, the cost of comparing the benefits and costs of these alternatives is very high due to the diversity and complexity of the offerings. Life insurance customers typically are risk averse, and are more concerned with the stability of their investment than its true price.<sup>8</sup> Also, there is a considerable degree of product differentiation among life insurance products that enhances the ability of insurers to pass on costs, i.e., makes demand more inelastic.

Various studies of the life insurance industry have examined the determinants of demand and have found that price does not have a significant impact on the quantity demanded. One empirical study showed that higher expected prices had no impact on the level of life insurance sales, i.e., demand was almost totally inelastic.<sup>9</sup> In another study of the demand for life insurance, Babbel computed the elasticity to be in the range of -0.32 to -0.92 depending on the type of life insurance product (participating versus non-participating), again demonstrating that demand for life insurance is quite inelastic with respect to price.<sup>10</sup> Another more recent study by Browne and Kim<sup>11</sup> also found that the demand for life insurance was highly price inelastic, and the coefficient that they computed for demand elasticity was -0.24. Based on these quantitative and qualitative estimates, I would estimate that the price elasticity of demand for life insurance is in the range of -0.25 to -0.50.

On the supply side, I have found few quantitative estimates of the price elasticity of supply for life insurance, in part because economists often assume a flat (elastic) supply curve. They believe that supply is very responsive to price and hence tends to be highly elastic. Insurers offer different types of financial products and they can easily shift resources from one product to another

<sup>7</sup> Irving Picferrer and David R. Klock, "Insurance Microeconomics," in *Perspectives of Insurance* (Englewood Cliffs, N.J.: Prentice-Hall, 1974), pp. 239-252.

<sup>8</sup> David Cummins and Patricia M. Danzon, "Price, Financial Quality, and Capital Flows in Insurance Markets," *Journal of Financial Intermediation* 6 (1997): 3-38.

<sup>9</sup> Paul McAvoy, "The Structure of the Insurance Industry," in *Federal-State Regulation of the Pricing & Marketing of Insurance* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1977), pp. 7-11, 56-59.

<sup>10</sup> S. Neumann, "Inflation and Saving Through Life Insurance," *Journal of Risk and Insurance* (1969): 567-582.

<sup>11</sup> David F. Babbel, "The Price Elasticity of Demand for Whole Life Insurance," *The Journal of Finance* XL, 1 (March 1985): 225-239.

<sup>12</sup> Mark J. Browne and Kilhong Kim, "An International Analysis of Life Insurance Demand," *The Journal of Risk and Insurance* (1992): 617-634.



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few substitutes for this type of insurance which makes demand highly inelastic.<sup>16</sup> Consumers are able to do more comparison shopping between insurers for certain property and casualty lines, which may increase the price elasticity among insurers. Nevertheless, economists studying the industry have found that consumers face switching and search costs which lead them to stay with their current insurer rather than switch to a lower priced company.<sup>17</sup> This study also found that for companies that charge higher prices, consumers may believe that the company takes more care in dealing with the public and offers higher quality products and thus is attractive to consumers, again a sign that demand, even among competing insurers, is inelastic.

Cummins and Danzon (*op. cit.*) found that information asymmetries, lack of information about insurers and the costs of switching all contribute to inelastic demand for most lines of property and casualty insurance. Harrington<sup>18</sup> found that in addition to these factors, consumers had poor information about differences in claims settlement procedures and difficulties in assessing the financial strengths of various insurers, which also made it difficult to comparison shop leading to inelastic demand.

Some studies have focused on particular lines of property and casualty insurance. One study of the demand for automobile insurance in Massachusetts conducted in the late 1970s found that demand for auto insurance was highly inelastic, in the range of -0.10.<sup>19</sup> This study found that collision insurance was slightly less inelastic than bodily injury insurance. A recent empirical study of workers compensation insurance found that availability of substitutes such as state funds and self-insurance had little or no effect on pricing and profitability of workers compensation insurance, another indication of inelastic demand for this line of insurance.<sup>20</sup> Based on these studies and analyses, it is clear that the demand for property casualty insurance is inelastic with respect to price and likely to be in the range of -.10 to -.50, depending on the type of insurance.

<sup>16</sup> Anne Gron, "Capacity Constraints and Cycles in Property-Casualty Insurance Markets," *The Rand Journal of Economics* 25, 1 (1994): 110-127. See also Anne Gron, "Evidence of Capacity Constraints in Insurance Markets," *Journal of Law and Economics* 37 (1994): 349-377.

<sup>17</sup> Howard Kunreuther, Jacqueline Mczanos, Robin M. Hogarth, and Mark Spranca, "Ambiguity and Underwriter Decision Processes," *Journal of Economic Behavior and Organization* 26 (1995): 337-352.

<sup>18</sup> Scott E. Harrington, "Prices and Profits in the Liability Insurance Market," in *Liability: Perspectives and Policy*, edited by Robert E. Litan and Clifford Winston (Washington, D.C.: Brookings Institution, 1988), pp 42-100.

<sup>19</sup> William A. Sherden, "An Analysis of the Determinants of the Demand for Automobile Insurance," *The Journal of Risk and Insurance* (December 1984).

<sup>20</sup> Anne M. Carroll, "An Empirical Investigation of the Structure and Performance of the Private Workers' Compensation Market," *Journal of Risk and Insurance* 60, 2 (1993): 185-207.

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if prices change. Also barriers to entry are relatively low, suggesting an elastic supply curve. Several studies of life insurance do treat the supply curve as "flat" or infinitely elastic which would presume full passthrough.<sup>12</sup> Given the extremely small shift in the supply curve that the differential (foreign versus domestic) tax burden on life insurance induced, it is highly likely that the supply curve would be flat over that relevant range and hence full cost passthrough would be expected. A reasonable estimate of supply elasticity would be greater than 4, which together with the demand elasticity estimate of -0.40, suggests an absorption fraction of 8.5 percent.<sup>13</sup> Even if supply were considered only slightly elastic with respect to price, which the literature clearly does not believe to be the case, passthrough would exceed 80 percent.

Economic analysis of the accident and health insurance segment of the industry suggests that demand is relatively inelastic since many forms of health insurance are considered mandatory and employers often pay a portion of the cost, thus "disguising" the true price to consumers. Consumers also may face substantial switching costs between insurers, and have non-price reasons for sticking with a particular company, which also makes demand more inelastic. On the supply side, entry appears relatively easy, although some insurers may face an upward sloping supply curve as their financial resources become constrained. Over the relatively small range of the supply curve that we are focused on for this type of insurance, it is unlikely that such a constraint would be hit. Thus again, given relatively inelastic demand and relatively elastic supply conditions, I would expect a high proportion of the tax to have been passed on to consumers by accident and health companies.

### Property and Casualty Insurance

As with life insurance, the demand for property and casualty insurance is also price inelastic. Economists who have studied the property-casualty segment of the industry find that changes in prices do not have a significant impact on the quantity demanded.<sup>14</sup> Property-casualty insurance is considered a necessary good for many lines (auto, workers compensation, liability)<sup>15</sup> and there are

<sup>12</sup> See, for example, Babel, *op. cit.*, and Peter Fortune, "A Theory of Optimal Life Insurance Development and Tests," *The Journal of Finance* 28 (June 1973): 587-600.

<sup>13</sup> With the demand elasticity estimate of -0.40 and a supply elasticity of 4 or greater, the absorption fraction is not terribly sensitive to increases in the value for supply elasticity. Thus the difference in the absorption fraction between using a supply elasticity of 4 and a supply elasticity of 7 is 3.5 percent (8.5 percent absorption versus 5 percent absorption).

<sup>14</sup> See, for example, Pfeiffer and Klock, *op. cit.*, and Julie A. B. Cagle and Scott E. Harrington, "Insurance Supply with Capacity Constraints and Endogenous Insolvency Risk," 35, 5 (1980): 1155-1172.

<sup>15</sup> Several types of property-casualty insurance are mandatory, and as such, consumers have little choice but to purchase this insurance regardless of the price (although in recent years consumers have complained as premiums have risen dramatically for some lines).

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Several economists studying the supply of property-casualty insurance have found that entry is easy and the relationship between supply and price is strongly correlated to interest rates.<sup>21</sup> This work has sparked considerable discussion regarding the shape of the supply curves (but no empirical estimates of its elasticity). Most agree that over some range, the supply of property-casualty insurance is relatively flat (elastic). Recent work, however, suggests that the supply of property-casualty insurance does face certain constraints. Several economic studies have focused both on the source and nature of these constraints as well as the empirical relationship between prices and costs for this type of insurance. Some believe that the supply of property-casualty insurance is "kinked," meaning that over some range of output it is flat, infinitely elastic; and at some point it becomes upward sloping. Gron<sup>22</sup> has found that due to "shocks" such as severe losses and claims in certain lines (e.g., general liability), a capacity constraint exists which causes supply to become restricted (inelastic) even as prices rise. Doherty and Garven<sup>23</sup> have found a similar trend, and have defined a kinked supply curve for property and casualty insurance. This work, however, indicates that it requires a significant event such as a shock to net worth or other phenomena that induces a rapid escalation in premiums, to cause firms to hit the constraint.<sup>24</sup>

Thus although the supply curve for property and casualty insurance may be kinked, it appears that it takes an event or shock to the industry of far greater proportions than the Privilege Tax to cause insurers to hit the capacity constraint and face inelastic supply conditions. Also it appears that this situation is transitory<sup>25</sup> and reflects the cyclical nature of the industry, and over the long run, insurers are likely able to recover a very high proportion of their costs (if not all). Table 1, shown below, summarizes my findings from the literature regarding demand and supply elasticities, and presents my preliminary conclusions regarding the application of incidence analysis to both segments of the insurance industry. This table indicates that in my opinion a large proportion of the Privilege Tax was passed on to consumers.

<sup>21</sup> J. David Cummins, Scott E. Harrington, and Robert W. Klein, "Cycles and Crises in Property/Casualty Insurance: Causes and Implications for Public Policy," *Journal of Insurance Regulation* 10, 1 (Fall 1989): 50-93.

<sup>22</sup> See "Capacity Constraints and Cycles," *op. cit.*

<sup>23</sup> Neil A. Doherty and James R. Garven, "Insurance Cycles: Interest Rates and the Capacity Constraint Model," *Journal of Business* 68, 3 (1995): 383-404.

<sup>24</sup> This research has been conducted by several economists attempting to explain the so-called underwriting cycle.

<sup>25</sup> See, for example, Gron, "Evidence of Capacity Constraints," *op. cit.*

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Table 1

## Preliminary Summary of Elasticity Measures and Passthrough Conclusions

## Life Insurance.

**Range of Values**  
-0.25 to -0.90

Demand Elasticity

Supply Elasticity

greater than 80%

Passthrough:

## Property and Casualty Insurance

-0.10 to -0.50

Demand Elasticity

2.0 to infinity

Supply Elasticity

85% or higher

Passthrough:

Based on estimates generated over the last 25 years

Finally, some of the studies related to the supply of insurance have hypothesized and investigated various relationships between prices and costs of insurance, which are analogous to my investigation in this matter. One recent study<sup>26</sup> analyzing price-cost relationships in the property and liability lines found that past losses do explain the current level of premiums. That is, there is a strong positive relationship between costs and prices and premiums are positively related to expectations about future costs including losses. Another recent study<sup>27</sup> suggests that as taxes and potential tax liability increase, premiums will also increase to offset these higher costs. This corroborates the theory and findings here that taxes are passed on to consumers in the form of higher prices (premiums).

<sup>26</sup> Hung-Gay Fung, Gene C. Lai, Gary A. Patterson, and Robert C. Witt, "Underwriting Cycles in Property and Liability Insurance: An Empirical Analysis of Industry and By-Line Data," *The Journal of Risk and Insurance* 65, 4 (1998): 539-561.

<sup>27</sup> Scott E. Harrington, "Insurance Derivatives, Tax Policy, and the Future of the Insurance Industry," *The Journal of Risk and Insurance* 64, 4 (1997): 719-725.



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**Statistical Analysis**

This section contains the results of a preliminary statistical analysis of the relationship between costs and prices of insurance by various lines and types of insurance for both foreign and domestic carriers. The model formulation uses various cost variables to explain the level of premiums written and the changes in premiums written. To perform this analysis, I have relied on data from the insurance companies' filings with the National Association of Insurance Commissioners (NAIC). Each year, the insurance companies submit data to the NAIC on a wide variety of variables for life, accident and health as well as property and casualty insurance by line of business. I have relied on data from the NAIC "state page" for the State of Illinois in order to obtain data that is as specific to Illinois as possible. These data were provided to me in consultation with the Illinois Department of Insurance. In particular, I have obtained data on premiums written, benefits paid, losses paid, taxes paid, and other costs incurred in order to evaluate the statistical relationship between costs and prices for different lines of insurance. The data are reported on a company-specific basis, which permits company-by-company analysis, and I have also grouped the companies into foreign and domestic entities. Data on taxes paid derive from the state's own database and reflect the amount of taxes paid by foreign and domestic companies for the life, accident and health analyses. For the property and casualty lines, NAIC collects data on taxes, licenses and fees; this data element was used to reflect taxes paid.

My preliminary research has focused on the years 1990 through 1999 because these reflect the years for which data were readily available in electronic form and were reported in a relatively consistent format. For property and casualty lines, I have focused on the 1992-1999 time period because prior to 1992, the data were reported in a different format and were not as detailed as after 1991. Also some of the data reported in the NAIC database include negative values for premiums. In those cases, I have used only companies reporting positive premiums and eliminated data containing negative premiums (i.e., refunds). In performing my work, I have used the data as they were reported by the companies. Also I have used two formulations of the data to try to measure the relationship between prices and costs, both a log-linear formulation as well as a "normal" representation of the values. The log-linear formulation simply provides a direct measure of how changes in costs affect changes in prices.

*Life, Accident and Health Insurance*

In the life insurance formulation of the statistical analysis, I have examined the relationship between premiums written and various "cost" variables including death benefits, dividends, matured

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endowments, surrender values, and taxes paid. I have estimated passthrough rates for both foreign and domestic companies, although the results tend to be more robust for the foreign companies.<sup>28</sup> I have also examined impacts by combining the cost variables into a single variable as well as keeping the variables separate.

The results of the regression analyses I have completed thus far indicate passthrough rates in the range of 70-95 percent for foreign life insurance companies, and similar values for domestic companies. On the accident and health side, I have generated preliminary estimates indicating that foreign companies passed through between 80 and 95 percent with little or no difference for the various time periods analyzed.

*Property and Casualty Insurance*

I have focused on the largest nine lines of property and casualty insurance written in Illinois. These are homeowners multiple peril, commercial multiple peril, medical malpractice, workers compensation, general liability, other private auto liability, other commercial liability, private passenger auto damages, and commercial auto damages. Together these nine lines accounted for about 85 percent of the premiums written in Illinois during the relevant period. In performing my analysis for these lines of insurance I again rely on data from the NAIC state page on premiums, commissions, losses paid, losses incurred, direct expenses, tax, licenses and fees, and unearned reserves. For certain lines of auto insurance, I combined various lines into two general lines: private passenger and commercial auto insurance.

My preliminary results indicate a high degree of pass-on by foreign property and casualty companies. Table 2 presents a summary of the preliminary results that are statistically significant for the various property and casualty lines. As can be seen in the property and casualty lines, the estimated passthrough rates were generally in the range of 85 to 95 percent, and were consistently greater than 85 percent, which is consistent with the incidence analyses.

<sup>28</sup>This may be due to the significantly larger sample size for foreign life insurance companies.



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**Table 2**  
**Summary of Preliminary Statistical Results for Property & Casualty Lines**

**Range of Values for Foreign Companies\*  
Passthrough Rate**

Commercial Auto	87% to 98%
Private Auto	82% to 100%
Commercial Multiple Peril	82% to 92%
Homeowners Multiple Peril	87% to 98%
Medical Malpractice	90% to 95%
Workers Compensation	95% to 100%
Other Liability	83% to 90%

\* Range results from different model specifications and different time periods

**Analysis of Market Share**

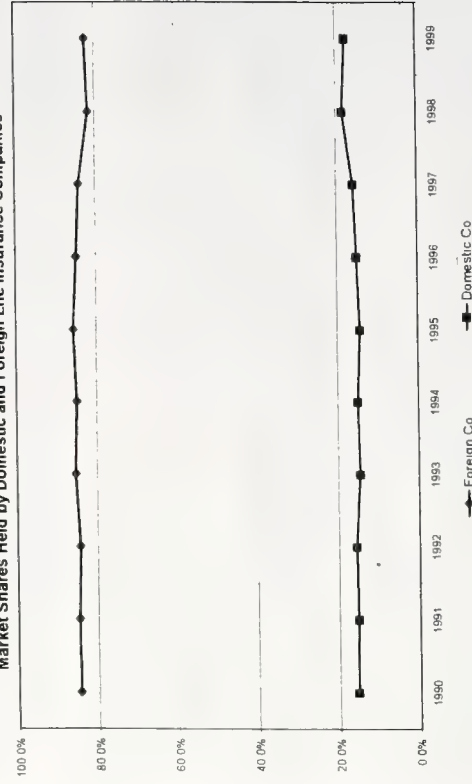
Again I have relied upon data provided to me from the NAIC database as well as hard copy "market share" reports generated by the Illinois Department of Insurance to examine changes in market shares between foreign and domestic insurers during and after the period that the Privilege Tax was imposed. I have computed market shares, as the Department does, based on annual premiums written. I have divided the analysis between life, accident and health on the one hand and property and casualty on the other, and within those segments I have examined the data for the major lines of insurance written in Illinois

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*Life, Accident and Health Insurance*

Since 1997, the data shown in Figure 1 indicate that there has been a decline in the market share held by foreign life insurance companies and a consequent increase in the share of the market held by domestic life insurance companies. In particular there was a sizable increase in domestic companies' share in 1998, the first full year after the privilege tax was lifted. Domestic companies have increased their share of premiums written for life insurance from about 15 percent in the period 1992-1996 to about 18 percent in the years 1998-1999

**Figure 1**  
**Market Shares Held by Domestic and Foreign Life Insurance Companies**

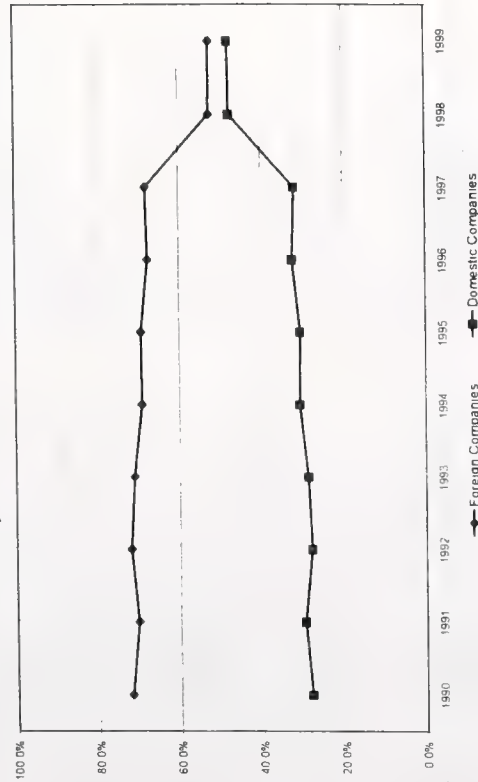


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Figure 2 presents similar data on the market shares of domestic and foreign accident and health insurance companies. This figure shows that since revisions were made to the Privilege Tax, domestic insurers have increased their share of the premiums written from about 30 percent to almost 45 percent during the period 1997-1999. The decline in foreign insurers' market share suggests that the Privilege Tax did not give domestic companies a competitive advantage

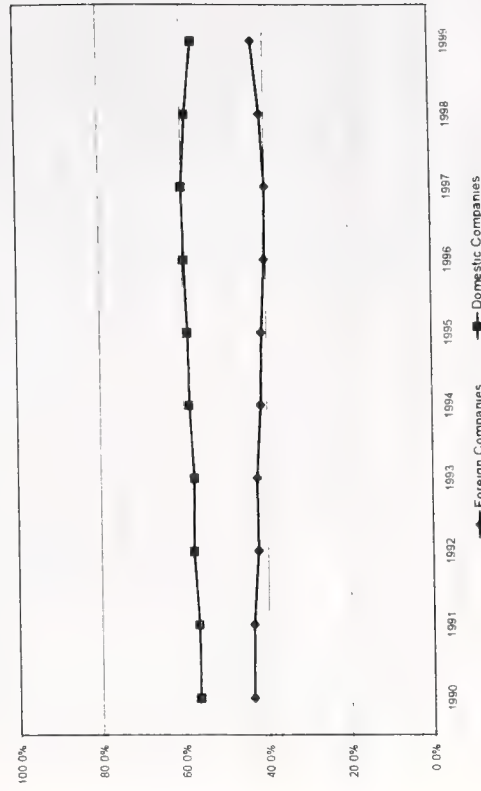
Figure 2  
Market Share Held by Domestic and Foreign Accident & Health Companies



### Property and Casualty Insurance

In the property and casualty lines as with the statistical analysis, I have examined market shares across all lines as well as across the largest nine lines of insurance. The results of my analysis are shown in Figure 3, which depicts foreign and domestic insurers' market share for property and casualty insurance between 1990 and 1999. As can be seen, domestic companies market share for all lines has remained relatively constant for total property and casualty business from 1995 on, and are at slightly higher levels than they experienced in the early to mid 1990s. Within individual lines, some domestic carriers experienced declines in market share, while others have experienced increases, and in some cases the trend of the decline in domestic shares clearly predated the date that changes were made to the Privilege Tax, suggesting that the decline was not caused by the tax. There is also no consistent trend across lines of property and casualty insurance, which strongly

Figure 3  
Market Share Held by Domestic and Foreign Property & Casualty Companies



### Conclusion

Based on my background, experience, work and analysis to date, I have concluded the following

- The tools of economic analysis exist to determine and quantify with reasonable certainty the extent to which foreign insurance companies passed through a cost such as the Privilege Tax to consumers in the form of premiums

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suggests that changes in market share have been driven by factors other than the Privilege Tax

Thus the data do not indicate that foreign insurance companies as a group were competitively harmed by the Privilege Tax, and indeed in certain lines, foreign companies experienced a decline rather than an increase in share after the Privilege Tax was changed. The diversity of trends across the different lines of property and casualty insurance is an indication that factors other than the Privilege Tax are at work in explaining the changes in market shares and the competitive nature of the business

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- Incidence analysis, statistical analysis, and the analysis of market structure and market shares are the methods economists commonly use to determine the extent of passthrough and absorption. In my opinion these tools are appropriate for the issue at hand and may be used to show the proportion of the Privilege Tax that was passed on to consumers.
- I have concluded based on my preliminary analysis that the rate of passthrough in the insurance industry in Illinois was in all likelihood greater than 80 percent for life insurance and greater than 85 percent for accident and health as well as property and casualty insurance
- In addition, my review of market share data suggests that foreign insurers did not suffer a competitive disadvantage from the imposition of the Privilege Tax

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1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifi-
Allocation	cations, Fringe Benefits,
(For Alternative Apportionment	Subtraction Modifications)
Rulings, See that heading)	Books and Records
Alternative Apportionment	Bulk Sales: See Sales
Amnesty	Outside the Ordinary Course
Apportionment	of Business (Bulk Sales)



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Financial Organizations  
Insurance Companies  
Payroll Factor  
(Also See Subtraction Modifications  
- Valuation Limitations)  
Check Off Funds  
Circuit Breaker  
Claims for Refund: See Refunds  
Collection  
Combined Unitary Return  
(Also See Unitary)  
Commercial Domicile  
Compensations  
Composite Returns  
Confidentiality  
Credits  
Coal Research and Utilization  
Credit for Replacement Tax  
Paid  
Credit for Residential Real  
Property Taxes  
Enterprise Zone Investment  
Foreign Tax  
High Impact Business  
Investment  
Jobs Tax  
Replacement Tax Investment  
Research and Development  
Training Expense  
Other Rulings  
(Not Included Above)  
Deficiencies  
Definitions  
Domestic International Sales  
Corporations (DISCs)  
Elections: See Combined  
Unitary Return, Extensions,  
Unitary  
Enterprise Zones  
(Also See Credits, Subtraction  
Modifications)  
Erroneous Refund: See Refunds  
Estates  
Estimated Tax  
Business Income  
Capital Gains (Losses)  
Farmers: See Estimated Tax  
Federal Returns  
Fiduciaries  
Financial Organizations: See  
Apportionment  
Foreclosure  
Foreign Sales Corporations  
(FSC's)  
Foreign Tax: See Credits  
Foreign Trade Zones: See  
Subtraction Modifications,  
Credits--Jobs Tax  
Forms  
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Fringe Benefits  
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IRC S401(k) Plans  
Other Rulings (Not included  
(Above)  
Gain (Loss): See Capital Gains  
(Losses): Valuation Limitation  
Information Reports  
Insurance Companies: See Apport-  
tionment  
Interest Income  
(Also See Addition Modifications,  
Subtraction Modifications)  
Interest on Refunds and Deficiencies  
IRC S338  
Jeopardy: See Assessment  
Judicial Review  
Liens  
Limited Liability Companies  
Lottery  
Military  
(Also See Subtraction Modifications  
Miscellaneous  
Modification Addition: See Addition  
Modifications  
Modification Subtraction: See Sub-  
traction Modifications  
Mutual Funds: See Subtraction Modi-

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Exempt Organizations  
Exemptions  
Extensions  
Failure to File: See Penalties  
Failure to Pay: See Penalties  
(Also See Base Income, Capital  
Gains (Losses), Combined Unitary  
Returns, Net Operating Loss and Net  
Operating Loss Deduction)  
Net Operating Loss and Net Operating  
Loss Deduction  
Nexus: See Public Law 86-272/Nexus  
Nonbusiness income  
Nonresidents: See  
Residency/Nonresidency  
Notice and Demand: See Notices  
Notices  
Nuclear Decommissioning  
Trusts  
Overpayments: See Refunds  
Partnerships  
Payments:  
Payroll Factor: See Apportionment  
Penalties  
Failure to File (IITA S1001)  
Failure to File Withholding  
Returns (IITA S1004)  
Failure to Pay (IITA S1002)  
Failure to Pay Estimated Tax  
(IITA S804)  
Fraud (IITA S1002)  
Reasonable Cause (IITA S1001)  
Underpayment of Tax (IITA S1005)  
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(Not Included Above)  
Pensions  
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Political Organizations  
Professional Athletes  
Property Factor: See Apportionment  
Property Tax: See Subtraction Modifi-  
cations  
Protest  
Public Law 86-272/Nexus  
Rate of Tax  
Real Estate Investment Trusts  
fications  
Net Income (Loss) and Net Loss  
Deduction (IITA S207)  
Other Rulings  
(Not Included Above)  
Regulated Investment Companies  
Replacement Tax  
(Also See Credits)  
Requirements of Requests for  
General Information Letters  
Requirements of Requests for  
Private Letter Rulings  
Residency/Nonresidency  
Returns  
(For Combined Unitary Return and  
Composite Return Rulings, See  
Those Headings)  
Amended Returns  
Due Dates  
Requirements to File  
Short Period Returns  
Other Rulings  
(Not Included Above)  
S Corporations  
Sales Factor: See Apportionment  
Sales Outside the Ordinary Course  
of Business (Bulk Sales)  
Seizure  
Separate Accounting: See Alternative  
Apportionment  
Signature  
Specific Accounting  
Statute of Limitations: See Assess-  
ment, Collection, Deficiencies  
Refunds  
Subtraction F Income: See Sub-  
traction Modifications  
Subtraction Modifications  
Modifications  
Subtraction Modifications  
Bond Premium Amortization  
Enterprise and Foreign Trade  
Zones  
Illinois Tax Refund  
Interest on U.S. Government Obli-  
gations

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Reasonable Cause: See Penalties  
 Refunds (Also See Subtraction Modifications)  
 Statute of Limitations  
 Qualified Pension Plans  
 Real Estate Taxes  
 Subpart F Income  
 Transportation Services  
 Valuation Limitation  
 Other Rulings  
 (Not Included Above)  
 Taxability in Other States  
 Taxable year  
 Transferees  
 (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))  
 Transportation Services: See Apportionment  
 Trusts  
 Uniform Penalty and Interest Act  
 Unitary  
 (Also See Combined Unitary Return)  
 U.S. Government Obligations: See Subtraction Modifications  
 Valuation Limitation  
 Voluntary Disclosure Agreements  
 Waiver On Assessments: See Assessment  
 Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.revenue.state.il.us](http://www.revenue.state.il.us).

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth  
 Legal Services Office

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101 West Jefferson Street  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

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## ADMINISTRATIVE REVIEW

IT 00-0070-GIL 09/15/2000 Foreign corporation that has withdrawn from doing business in Illinois may utilize administrative procedures before the Department of Revenue. (This is a GIL.)

## APPORTIONMENT - SALES FACTOR

IT 00-0061-GIL 08/15/2000 Corrects the discussion in IT 00-0049 GIL, concluding that the sales factor cannot be negative. (This is a GIL.)

IT 00-0067-GIL 09/12/2000 Proceeds from settlement of lawsuits for infringement of intellectual property rights in materials used in training seminars are business income and should be included in the sales factor as provided in IITA Section 304(a)(3)(B-1) and (B-2). (This is a GIL.)

## BASE INCOME

IT 00-0058-GIL 08/09/2000 Income attributable to employer-provided housing is included in base income only to the extent included in adjusted gross income of the employee. (This is a GIL.)

IT 00-0071-GIL 09/20/2000 Response to survey regarding exclusion of income or gain on like-kind exchanges. (This is a GIL.)

## COLLECTION

IT 00-0072-GIL 09/21/2000 Statute of limitations for collection of assessed tax is discussed. (This is a GIL.)

## CONFIDENTIALITY

IT 00-0054-GI 07/14/2000 Under 20 ILCS 2505/2505-425, the name of the president of a delinquent corporate taxpayer may be disclosed along with the name of the corporation. (This is a GIL.)

IT 00-0056-GIL 07/28/2000 IITA Section 917 generally prohibits disclosure of taxpayer information. (This is a GIL.)

## CREDITS - FOREIGN TAX

IT 00-0062-GIL 08/21/2000 The foreign tax credit allowed may not exceed the amount of Illinois income tax imposed on the income that is actually double taxed. (This is a GIL.)

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## ESTIMATED TAX

IT 00-0059-GIL 08/11/2000 49 U.S.C. Sections 11108, which provides that state income tax need not be withheld from wages payable to certain employees engaged in interstate shipping by boat, does not exempt those employees from their obligation under IITA Section 803 to pay estimated Illinois income tax. (This is a GIL.)

IT 00-0066-GIL 09/11/2000 An individual may take the education expense credit into account in determining his or her required estimated tax installment. (This is a GIL.)

## INFORMATION REPORTS

IT 00-0050-GIL 06/27/2000 Lottery winners who receive a single federal Form W-2G should also receive a single Form IL-W-2G reporting the same winnings. (This is a GIL.)

IT 00-0064-GIL 08/28/2000 The federal employer identification number of the State of Illinois should be used as the "state identification number" on federal tax forms requiring such number. (This is a GIL.)

## MISCELLANEOUS

IT 00-0051-GIL 07/05/2000 Response to Wisconsin Department of Revenue questionnaire on Illinois income tax rate and base. (This is a GIL.)

## PENALTIES - FAILURE TO PAY

IT 00-0074-GIL 09/28/2000 Imposition of penalty for failure to pay taxes in years prior to UPIA discussed. (This is a GIL.)

## PROFESSIONAL ATHLETES

IT 00-0063-GIL 08/24/2000 Compensation paid to a nonresident professional athlete by a team based outside Illinois is apportionable to Illinois only if the state in which the team is based taxes a portion of the compensation of nonresident athletes paid by Illinois-based teams. (This is a GIL.)

## PUBLIC LAW 86-272/NEXUS

IT 00-0069-GIL 09/13/2000 General principles for determination of nexus are



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 THIRD QUARTER SUNSHINE INDEX

discussed. (This is a GIL.)

## RETURNS - REQUIREMENT TO FILE

IT 00-0055-GIL 07/24/2000 Under IITA Section 502(a), a corporation qualified to do business in Illinois and required to file a federal income tax return for a taxable year is also required to file an Illinois income tax return for that year. (This is a GIL.)

IT 00-0057-GIL 08/07/2000 Corporation with no Illinois net income and that is not required to file a federal income tax return has no obligation to file an Illinois income tax return. (This is a GIL.)

## RETURNS - OTHER RULINGS

IT 00-0060-GIL 08/14/2000 All Illinois income tax returns must be signed. (This is a GIL.)

## SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 00-0068-GIL 09/13/2000 The subtraction modification allowed for interest on U.S. government obligations is net of bond premium amortization, but is not reduced for expenses allocable to such income. (This is a GIL.)

## SUBTRACTION MODIFICATIONS - PENSIONS

IT 00-0052-GIL 07/05/2000 IRA distributions to heir are includable in gross income under IRC Section 408(d) and therefore qualify for subtraction from base income under IITA Section 203(a)(2)(F). (This is a GIL.)

IT 00-0073-GIL 09/25/2000 Military pensions are exempt from Illinois income taxation. (This is a GIL.)

## TAXABLE YEAR

IT 00-0053-GIL 07/06/2000 A corporation with a short federal taxable year is required to use the same federal taxable year for Illinois income tax purposes. (This is a GIL.)

## WITHHOLDING - OTHER RULINGS

IT 00-0065-GIL 09/11/2000 Former employer is required to withhold Illinois

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2000 THIRD QUARTER SUNSHINE INDEX

income tax from payments made to retired Illinois resident under nonqualified pension plan. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC AID

Heading of the Part: Medicaid Community Mental Health Services Program  
(Rulemaking by the Department of Human Services)

Code Citation: 59 Ill Adm Code 132

Section Numbers: 132.25 132.42 132.55  
132.80 132.100 132.150  
132.155

Date Originally Published in the Illinois Register: 5/5/00  
24 Ill Reg 6768

At its meeting on October 17, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department of Public Aid codify into rules the procedures used by its Office of the Inspector General to investigate Medicaid fraud, including but not limited to timeframes for investigations, investigative process and procedure, appeal procedures, contact information for providing evidence of Medicaid fraud, etc.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

NOVEMBER 14, 2000

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Building Commission

1. Rulemaking and Organization (2 Ill Adm Code 3200)
    - First Notice Published: 24 Ill Reg 13456 - 9/8/00
    - Expiration of Second Notice: 12/8/00
  2. Freedom of Information (2 Ill Adm Code 3201)
    - First Notice Published: 24 Ill Reg 13442 - 9/8/00
    - Expiration of Second Notice: 12/8/00
  3. General Policies (2 Ill Adm Code 3202)
    - First Notice Published: 24 Ill Reg 13450 - 9/8/00
    - Expiration of Second Notice: 12/8/00
- Central Management Services
4. Pay Plan (80 Ill Adm Code 310)
    - First Notice Published: 24 Ill Reg 5802 - 4/7/00
    - Expiration of Second Notice: 11/23/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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5. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 24 Ill Reg 7574 - 5/26/00  
-Expiration of Second Notice: 11/23/00
6. Administration of Funds Created by the Wireless Emergency Telephone Safety Act (83 Ill Adm Code 1000)  
-First Notice Published: 24 Ill Reg 13463 - 9/8/00  
-Expiration of Second Notice: 12/10/00
- Children and Family Services
7. Children's Accounts (89 Ill Adm Code 353)  
-First Notice Published: 24 Ill Reg 11088 - 7/28/00  
-Expiration of Second Notice: 11/29/00
- Commerce and Community Affairs
8. Economic Development Area Tax Increment Allocation Financing (14 Ill Adm Code 525) (Repealer)  
-First Notice Published: 24 Ill Reg 8678 - 6/30/00  
-Expiration of Second Notice: 11/19/00
9. County Economic Development Project Area Property Tax Allocation Financing (14 Ill Adm Code 526) (Repealer)  
-First Notice Published: 24 Ill Reg 8671 - 6/30/00  
-Expiration of Second Notice: 11/19/00
10. Corridors of Opportunity Program (14 Ill Adm Code 630) (Repealer)  
-Notice Published: 24 Ill Reg 8658 - 6/30/00  
-Expiration of Second Notice: 11/19/00
- Commerce Commission
11. Standards of Service for Electric Utilities and Alternative Retail Electric Suppliers (83 Ill Adm Code 410)  
-First Notice Published: 24 Ill Reg 11124 - 7/28/00  
-Expiration of Second Notice: 12/7/00
12. Standards of Service for Electric Utilities (83 Ill Adm Code 410) (Repealer)  
-First Notice Published: 24 Ill Reg 11098 - 7/28/00  
-Expiration of Second Notice: 12/8/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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13. Certification Requirements and Standards of Service for Meter Service Providers (83 Ill Adm Code 460)  
-First Notice Published: 24 Ill Reg 7028 - 5/12/00  
-Expiration of Second Notice: 11/17/00
- Financial Institutions
14. Consumer Installment Loan Act (38 Ill Adm Code 110)  
-First Notice Published: 24 Ill Reg 11717 - 8/11/00  
-Expiration of Second Notice: 11/30/00
- Human Services
15. Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258) (Repealer)  
-First Notice Published: 24 Ill Reg 13101 - 9/1/00  
-Expiration of Second Notice: 12/10/00
16. General Administrative Provisions (89 Ill Adm Code 10)  
-First Notice Published: 24 Ill Reg 11466 - 8/4/00  
-Expiration of Second Notice: 11/25/00
17. Crisis Assistance (89 Ill Adm Code 116)  
-First Notice Published: 24 Ill Reg 11460 - 8/4/00  
-Expiration of Second Notice: 12/10/00
18. Fiscal/Administrative Recordkeeping and Requirements (89 Ill Adm Code 509)  
-First Notice Published: 24 Ill Reg 8719 - 6/30/00  
-Expiration of Second Notice: 12/24/00
19. Comparable Benefits (89 Ill Adm Code 567)  
-First Notice Published: 24 Ill Reg 10032 - 7/14/00  
-Expiration of Second Notice: 12/10/00
20. Services (89 Ill Adm Code 590)  
-First Notice Published: 24 Ill Reg 10049 - 7/14/00  
-Expiration of Second Notice: 12/10/00
21. Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)



JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-First Notice Published: 24 Ill Reg 10036 - 7/14/00  
-Expiration of Second Notice: 12/9/00

Natural Resources

22. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)  
-First Notice Published: 24 Ill Reg 13151 - 9/1/00  
-Expiration of Second Notice: 12/9/00

Nuclear Safety

23. Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill Adm Code 370)  
-First Notice Published: 24 Ill Reg 11726 - 8/11/00  
-Expiration of Second Notice: 11/16/00

24. Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 401)  
-First Notice Published: 24 Ill Reg 12206 - 8/18/00  
-Expiration of Second Notice: 11/16/00

25. Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill Adm Code 609)  
-First Notice Published: 24 Ill Reg 12156 - 8/18/00  
-Expiration of Second Notice: 11/16/00

Professional Regulation

26. Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)  
-First Notice Published: 24 Ill Reg 12391 - 8/18/00  
-Expiration of Second Notice: 12/7/00

Public Aid

27. Medical Assistance Programs (89 Ill Adm Code 120)  
-First Notice Published: 24 Ill Reg 12843 - 8/25/00  
-Expiration of Second Notice: 12/8/00

28. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 24 Ill Reg 8800 - 6/30/00  
-Expiration of Second Notice: 12/8/00

29. Hospital Services (89 Ill Adm Code 148)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-First Notice Published: 24 Ill Reg 11150 - 7/28/00  
-Expiration of Second Notice: 12/1/00

Public Health

30. The Illinois Formulary for the Drug Product Selection Program (77 Ill Adm Code 790)  
-First Notice Published: 24 Ill Reg 13592 - 9/8/00  
-Expiration of Second Notice: 12/10/00

Revenue

31. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 11188 - 7/28/00  
-Expiration of Second Notice: 11/15/00

32. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 11582 - 8/4/00  
-Expiration of Second Notice: 11/15/00

33. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 11778 - 8/11/00  
-Expiration of Second Notice: 11/15/00

34. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 12445 - 8/18/00  
-Expiration of Second Notice: 11/29/00

35. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 24 Ill Reg 11245 - 7/28/00  
-Expiration of Second Notice: 11/15/00

36. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 24 Ill Reg 11599 - 8/4/00  
-Expiration of Second Notice: 11/15/00

37. Home Rule County Retailers' Occupation Tax (86 Ill Adm Code 220)  
-First Notice Published: 24 Ill Reg 11576 - 8/4/00  
-Expiration of Second Notice: 11/15/00

38. Home Rule Municipal Retailers' Occupation Tax (86 Ill Adm Code 270)  
-First Notice Published: 24 Ill Reg 11176 - 7/28/00  
-Expiration of Second Notice: 11/15/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
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SPRINGFIELD, ILLINOIS  
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39. Regional Transportation Authority Retailers' Occupation Tax (86 Ill Adm Code 320)  
-First Notice Published: 24 Ill Reg 11239 - 7/28/00  
-Expiration of Second Notice: 11/15/00
40. Metro-East Mass Transit District Retailers' Occupation Tax (86 Ill Adm Code 370)  
-First Notice Published: 24 Ill Reg 11202 - 7/28/00  
-Expiration of Second Notice: 11/15/00
41. Metro-East Park and Recreation District Retailers' Occupation Tax (86 Ill Adm Code 395)  
-First Notice Published: 24 Ill Reg 11208 - 7/28/00  
-Expiration of Second Notice: 11/15/00
42. Metro-East Park and Recreation District Service Occupation Tax (86 Ill Adm Code 396)  
-First Notice Published: 24 Ill Reg 11216 - 7/28/00  
-Expiration of Second Notice: 11/15/00
43. Cigarette Tax Act (86 Ill Adm Code 440)  
-First Notice Published: 24 Ill Reg 10589 - 7/21/00  
-Expiration of Second Notice: 11/23/00
44. Cigarette Use Tax (86 Ill Adm Code 450)  
-First Notice Published: 24 Ill Reg 10591 - 7/21/00  
-Expiration of Second Notice: 11/23/00
45. Hotel Operators' Occupation Tax Act (86 Ill Adm Code 480)  
-First Notice Published: 24 Ill Reg 11182 - 7/28/00  
-Expiration of Second Notice: 11/15/00
46. Motor Fuel Tax (86 Ill Adm Code 500)  
-First Notice Published: 24 Ill Reg 11221 - 7/28/00  
-Expiration of Second Notice: 11/15/00
47. County Water Commission Retailers' Occupation Tax (86 Ill Adm Code 630)  
-First Notice Published: 24 Ill Reg 11170 - 7/28/00  
-Expiration of Second Notice: 11/15/00
48. Special County Retailers' Occupation Tax for Public Safety (86 Ill Adm Code 670)  
-First Notice Published: 24 Ill Reg 11249 - 7/28/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- Expiration of Second Notice: 11/15/00
49. Non-Home Rule Municipal Retailers' Occupation Tax (86 Ill Adm Code 693)  
-First Notice Published: 24 Ill Reg 11226 - 7/28/00  
-Expiration of Second Notice: 11/15/00
50. Non-Home Rule Municipal Service Occupation Tax (86 Ill Adm Code 694)  
-First Notice Published: 24 Ill Reg 11234 - 7/28/00  
-Expiration of Second Notice: 11/15/00
- Secretary of State
51. Procedures and Standards (92 Ill Adm Code 1001)  
-First Notice Published: 24 Ill Reg 10061 - 7/14/00  
-Expiration of Second Notice: 12/10/00
52. Issuance of Licenses (92 Ill Adm Code 1030)  
-First Notice Published: 24 Ill Reg 12854 - 8/25/00  
-Expiration of Second Notice: 11/25/00
- State Employees' Retirement System
53. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)  
-First Notice Published: 24 Ill Reg 11255 - 7/28/00  
-Expiration of Second Notice: 12/10/00
- Transportation
54. Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill Adm Code 650)  
-First Notice Published: 24 Ill Reg 12856 - 8/25/00  
-Expiration of Second Notice: 11/29/00
55. Oversize and Overweight Permit Movements on State Highways (92 Ill Adm Code 554)  
-First Notice Published: 24 Ill Reg 13350 - 9/1/00  
-Expiration of Second Notice: 12/7/00

EMERGENCY AND PEREMPTORY RULEMAKINGSEducation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

NOVEMBER 14, 2000

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 24, 2000 through October 30, 2000 and have been scheduled for review by the Committee at its November 14, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
12/7/00	Illinois Commerce Commission, Standards of Service for Electric Utilities and Alternative Retail Electric Suppliers (83 Ill Adm Code 410)	7/28/00 24 Ill Reg 11124	11/14/00
12/7/00	Department of Transportation, Oversize and Overweight Permit Movements on State Highways (92 Ill Adm Code 554)	9/1/00 24 Ill Reg 13350	11/14/00
12/7/00	Department of Professional Regulation, Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)	8/18/00 24 Ill Reg 12391	11/14/00
12/8/00	Illinois Commerce Commission, Standards of Service for Electric Utilities (83 Ill Adm Code 410) (Repealer)	7/28/00 24 Ill Reg 11098	11/14/00
12/8/00	Illinois Building Commission, Rulemaking and Organization (2 Ill Adm Code 3200)	9/8/00 24 Ill Reg 13456	11/14/00
12/8/00	Illinois Building Commission, Freedom of Information (2 Ill Adm Code 3201)	9/8/00 24 Ill Reg 13442	11/14/00
12/8/00	Illinois Building Commission, General Policies (2 Ill Adm Code 3202)	9/8/00 24 Ill Reg 13450	11/14/00
12/8/00	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	8/25/00 24 Ill Reg 12843	11/14/00

56. Certification (23 Ill Adm Code 25) (Peremptory)  
-Notice Published: 24 Ill Reg 16109 - 10/27/00

Employment Security  
57. Employment (56 Ill Adm Code 2732) (Emergency)  
-Notice Published: 24 Ill Reg 14788 - 10/6/00

Human Services  
58. Food Stamps (89 Ill Adm Code 121) (Emergency)  
-Notice Published: 24 Ill Reg 15468 - 10/20/00

Revenue  
59. Board of Appeals (86 Ill Adm Code 210) (Emergency)  
-Notice Published: 24 Ill Reg 14793 - 10/6/00

Secretary of State  
60. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040) (Emergency)  
-Notice Published: 24 Ill Reg 16096 - 10/27/00

State Police Merit Board  
61. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150) (Emergency)  
-Notice Published: 24 Ill Reg 16103 - 10/27/00

AGENCY RESPONSE  
Insurance  
62. Privacy of Personal Information (50 Ill Adm Code 4001; 24 Ill Reg 12137)



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

12/8/00	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	6/30/00 24 Ill Reg 8800	11/14/00	WHEREAS, the family is the single most basic and most important unit of our society; and WHEREAS, the family, whether traditional, nontraditional, or challenged by special circumstances, provides the foundation and building blocks for a positive future for children, parents, and communities; and WHEREAS, National Family Week focuses on the everyday issues and occurrences that are central to the core health of the family, such as the importance of family tradition, family strength, family volunteering, and work/family issues; and WHEREAS, this week is celebrated by approximately 1,000 child, family, and community organizations, schools, universities, and nonprofit organizations across the nation;
12/9/00	Department of Natural Resources, The Taking of Wild Turkeys 96 Spring Season (17 Ill Adm Code 710)	9/1/00 24 Ill Reg 13151	11/14/00	
12/9/00	Department of Human Services, Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)	7/14/00 24 Ill Reg 10036	11/14/00	
12/10/00	State Employees Retirement System of Illinois, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)	7/28/00 24 Ill Reg 11255	11/14/00	THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 19-25, 2000, as <b>FAMILY WEEK</b> in Illinois. Issued by the Governor October 19, 2000. Filed by the Secretary of State October 30, 2000.

12/10/00	Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill Adm Code 790)	9/8/00 24 Ill Reg 13592	11/14/00	<b>2000-549</b> <b>J.P. KNOX FAMILY DAY</b>  WHEREAS, through the industrial age, the Great Depression, two World Wars, and over the time served by presidents through Teddy Roosevelt to Bill Clinton, the J.P. "Cotton" Knox family has spanned the American Century; and WHEREAS, J.P. Knox married Esther Loretta Dickerson in 1907, and they had nine children, all born in Sangamon County, Illinois; and WHEREAS, J.P. was elected Sangamon County Coroner in 1932, and instilled in his children the importance of voting because it was a duty and a privilege as an American, and both parents encouraged their children to strive to be the best citizens they could be; and WHEREAS, seven of J.P.'s sons joined the military during World War II, representing the Navy, Army, and Marines, and all returned home safely with honorable discharges after the war; and WHEREAS, J.P. passed away in 1951 and was eulogized on the editorial page of the Illinois State Journal Register; and WHEREAS, all nine children were employed in various fields and raised families of their own, with Joseph following his father's political footsteps as Clerk of the Circuit Court of Sangamon County and Public Health Commissioner for the City of Springfield; and WHEREAS, the J.P. Knox family is a 20th Century Illinois family; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2000, as <b>J.P. KNOX FAMILY DAY</b> in Illinois. Issued by the Governor October 19, 2000. Filed by the Secretary of State October 30, 2000.
12/10/00	Department of Central Management Services, Administration of Funds Created by the Wireless Emergency Telephone Safety Act (83 Ill Adm Code 1000)	9/8/00 24 Ill Reg 13463	11/14/00	
12/10/00	Department of Human Services, Crisis Assistance (89 Ill Adm Code 116)	8/4/00 24 Ill Reg 11460	11/14/00	
12/10/00	Department of Human Services, Services (89 Ill Adm Code 590)	7/14/00 24 Ill Reg 10049	11/14/00	
12/10/00	Department of Human Services, Comparable Benefits (89 Ill Adm Code 567)	7/14/00 24 Ill Reg 10032	11/14/00	
12/10/00	Department of Human Services, Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258) (Repealer)	9/1/00 24 Ill Reg 13101	11/14/00	

WHEREAS, Snug Hugs for Kids is an annual event designed to help underprivileged children obtain much-needed winter clothing and outerwear; and  
 WHEREAS, this effort has donated as much as 25,000 pounds of new coats, gloves, mittens, hats, scarves, and boots to these children through the Children's Home and Aid Society of Illinois, which serves more than 40,000 families in the Chicagoland area; and

WHEREAS, the Society provides adoption, foster care, day care, residential treatment, child and family counseling, research, and professional training programs in the Chicago area and 40 counties throughout Illinois; and

WHEREAS, Snug Hugs for Kids challenges employees and volunteers, as well as leaders to participate in this cause, thereby furthering the efforts to help those in need within our own communities; and

WHEREAS, drop boxes will be located at different locations throughout the Chicago area and throughout Illinois from November 1 - December 14, 2000, in order for people to donate clothing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1 - December 14, 2000, as *SNUG HUGS FOR KIDS DAYS* in Illinois.

Issued by the Governor October 19, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-551

##### TAKE A FISH TO WORK DAY

WHEREAS, the day-to-day stress and strain of an average workday can adversely impact our lives at home and at work; and

WHEREAS, this stress can be relieved in an enjoyable, relaxing manner that is long lasting by adding a fish aquarium to the office environment; and

WHEREAS, pets in the workplace can help create productive work environments as well as lower employees stress levels; and

WHEREAS, studies show the relaxing benefits of aquariums have a long-lasting effect, allowing employees to be more focused on their jobs; and

WHEREAS, a fish tank provides access to nature and kindles good feelings associated with the outdoors; and

WHEREAS, fish tanks can benefit large and small businesses by shaping our surroundings into a soothing, pleasant workplace;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, October 25, 2000, as *TAKE A FISH TO WORK DAY* in Illinois.

Issued by the Governor October 19, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-552

##### TEACHER APPRECIATION WEEK

WHEREAS, November 12-18, 2000, will mark the 79th annual observance of American Education Week, a time for saluting our public schools and the relationships among teachers, students, and parents; and

WHEREAS, the city of Evanston, Illinois, acknowledges and appreciates our teachers who represent one of the most immediate influences upon the young people of our city because they do more than teach basic skills, they nurture and inspire their students; and

WHEREAS, our dedicated and committed teachers touch and enrich the lives of virtually every citizen in our city, both academically and personally, help

students throughout their lives, and are essential in producing enlightened, capable, and responsible citizens; and

WHEREAS, I am proud to join the community in saying thank you to teachers, providing them with much needed encouragement and well-deserved praise for a job well-done, and recognizing and rewarding their efforts, accomplishments, and important contributions to educating our citizenry;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 12-18, 2000, as *TEACHER APPRECIATION WEEK* in Illinois.

Issued by the Governor October 19, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-553

##### WINTER WEATHER PREPAREDNESS WEEK

WHEREAS, nearly 1 million motorists in Illinois will become "winter casualties" this year; and

WHEREAS, preparing your car for winter and using good judgement can help save your life; and

WHEREAS, "Ice Pack" is a coalition of State, federal, and private-sector agencies whose mission is saving lives by increasing public awareness about winter preparedness; and

WHEREAS, each agency has a specific safety message to motorists; and

WHEREAS, the AAA-Chicago Motor Club urges motorists to prepare a winter car emergency kit to keep in the vehicle; and

WHEREAS, the Illinois Department of Transportation advises motorists to be cautious when driving around snow plows and salt trucks; and

WHEREAS, the Illinois Emergency Management Agency warns against unnecessary travel when winter storms threaten; and

WHEREAS, the Illinois State Police publicizes emergency road condition telephone numbers and advises motorists to stay in the car if stranded until help arrives; and

WHEREAS, the Illinois State Toll Highway Authority reminds motorists to drive defensively and to reduce speed to accommodate traffic and roadway conditions; and

WHEREAS, the National Weather Service suggests motorists become familiar with winter weather watch/warning terminology; and

WHEREAS, "Ice Pack" is instrumental in keeping the public aware, informed, and ready for the winter driving season;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 27-December 3, 2000, as *WINTER WEATHER PREPAREDNESS WEEK* in Illinois.

Issued by the Governor October 19, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-553 (REVISED)

##### WINTER WEATHER PREPAREDNESS WEEK

WHEREAS, nearly 1 million motorists in Illinois will become "winter casualties" this year; and

WHEREAS, preparing your car for winter and using good judgement can help save your life; and

WHEREAS, "Ice Pack" is a coalition of State, federal, and private-sector agencies whose mission is saving lives by increasing public awareness about

winter preparedness; and

WHEREAS, each agency has a specific safety message to motorists; and  
WHEREAS, the Chicago Motor Club urges motorists to prepare their vehicles for cold weather; and

WHEREAS, the American Red Cross encourages motorists to prepare a winter car emergency kit to keep in the vehicle; and

WHEREAS, the Illinois Department of Transportation advises motorists to be cautious when driving around snow plows and salt trucks; and

WHEREAS, the Illinois Emergency Management Agency warns against unnecessary travel when winter storms threaten; and

WHEREAS, the Illinois State Police publicizes emergency road condition telephone numbers and advises motorists to stay in the car if stranded until help arrives; and

WHEREAS, the Illinois State Toll Highway Authority reminds motorists to drive defensively and to reduce speed to accommodate traffic and roadway conditions; and

WHEREAS, the National Weather Service suggests motorists become familiar with winter weather watch/warning terminology; and

WHEREAS, "Ice Pack" is instrumental in keeping the public aware, informed, and ready for the winter driving season;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 27 - December 3, 2000, as **WINTER WEATHER PREPAREDNESS WEEK** in Illinois.

Issued by the Governor October 24, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-554

##### THE MOST REVEREND INNOCENT LOTOCKY DAY

WHEREAS, the Most Reverend Innocent Hilarion Lotocky was born to Stefan and Maria Tytyl in Petykivci Stari, Buchach, Ukraine, on November 3, 1915, the youngest of five children; and

WHEREAS, in 1928, he entered the Gymnasium of the Basilian Fathers in Buchach where his religious vocation was affirmed, and in 1932, he entered the novitiate of the Order of St. Basil in Krechiv; and

WHEREAS, on August 8, 1937, he pronounced solemn vows of poverty, chastity, and obedience; and

WHEREAS, in 1941, he was ordained to the Holy Priesthood by the Most Reverend Paul Goydich, OSBM, Martyr, in Olomouce, Czechoslovakia, and completed his Doctoral Dissertation on the Holy Spirit in the Liturgy; and

WHEREAS, from 1951 to 1960, he was appointed as Provincial Superior of the Basilian Province in America; Pastor of St. George's in New York City; Novice Master in Glen Cove, Long Island, New York; Superior; and Pastor of St. Nicholas in Chicago, Illinois; and

WHEREAS, in 1963, he was a delegate to the General Chapter of Basilian Fathers in Rome; and

WHEREAS, from 1962 until 1980, he was a member of the Provincial Council of Basilian Fathers, and in 1981, he was consecrated Bishop in Rome and since then has served as Eparch of St. Nicholas; and

WHEREAS, in 1993, he retired as Bishop of the Eparchy; and

WHEREAS, on October 22, 2000, he is celebrating the 60th Anniversary of his ordination to the Holy Priesthood;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 22, 2000, as **THE MOST REVEREND INNOCENT LOTOCKY DAY** in Illinois.

Issued by the Governor October 20, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-555

##### CHILDHOOD LEAD POISONING PREVENTION WEEK

WHEREAS, lead poisoning, although completely preventable, is the number one environmental threat to the health of children in the United States; and  
WHEREAS, lead poisoning crosses all barriers of race, income, and geography; and

WHEREAS, most children are poisoned in their own homes through exposure to lead dust when lead paint deteriorates or is disturbed through home renovation and repainting; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, the age of the nation's housing stock is one of the leading factors for lead poisoning; and

WHEREAS, the State of Illinois ranks 10th out of the 50 states in the age of its housing stock; and

WHEREAS, the number of lead poisoned children in Illinois is among the highest in the nation; and

WHEREAS, Illinois law requires that all children be assessed for lead poisoning at least once before entering a licensed day care center, preschool, or kindergarten; and

WHEREAS, recent research suggests that millions more children than previously thought might have lead-linked mental impairments and that lead exposure and juvenile delinquency may be linked; and

WHEREAS, at low and moderate levels, lead poisoning can cause decreased intelligence, shortened attention span, hyperactivity, aggressive behavior, reading and learning disabilities, and other developmental problems;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 22-28, 2000, as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois.

Issued by the Governor October 24, 2000.

Filed by the Secretary of State October 30, 2000.

#### 2000-556

##### DALE AND SHIRLEY BURKLUND DAY

WHEREAS, Dale Burkland and Shirley Conner were married March 17, 1946, and have four children and six grandchildren; and

WHEREAS, the Burkland's have spent considerable time giving back to the Peoria community by volunteering and sponsoring various activities and fundraisers; and

WHEREAS, for the past 53 years, Dale Burkland has been a member of the Shriner's, and has also served as President and/or Chairman of numerous organizations such as the National Candy Wholesalers Association, Par-A-Dice Gaming Corporation, and the Better Business Bureau of Central Illinois; and  
WHEREAS, Shirley Burkland served as a Brownie and Cub Scout Troop Leader, a Proctor Hospital Volunteer for 38 years, and a member of the King's Daughters; and

WHEREAS, they have been the recipients of many awards and honors; and



WHEREAS, on November 3, 2000, the Easter Seals-UCP will host the 2000 Tribute Dinner honoring Dale and Shirley Burkland;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2000, as *DALE AND SHIRLEY BURKLUND DAY* in Illinois.

Issued by the Governor October 24, 2000.  
Filed by the Secretary of State October 30, 2000.

## 2000-557

## HISPANOCARE DAY

WHEREAS, Hispanocare was formed in 1988 by Illinois Masonic Medical Center to provide quality, cost effective healthcare to Chicago's Latino community in a culturally sensitive manner; and

WHEREAS, Hispanocare is a not-for-profit PPO network of nearly 300 bilingual providers, including a wide range of generalists and specialists who can be accessed through the Physician Referral Line; and

WHEREAS, to fulfill the mission of community outreach, bilingual, bicultural, Hispanic, user-friendly and quality healthcare, Hispanocare coordinates community health fairs where preventive services, testing, and exams are offered free of charge; and

WHEREAS, another major component of Hispanocare's community outreach effort is educating the Latino community about their health and means of getting care through a radio talk show, calendars with reminders, and newsletters to keep members up-to-date on seasonal health concerns; and

WHEREAS, Hispanocare sponsors scholarships of \$1,000 to benefit Latino students entering the health field; and

WHEREAS, although Hispanocare targets the Chicago Latino community, all services and educational activities are offered not only to Hispanocare members, but also to all residents of Chicago; and

WHEREAS, on November 11, 2000, Hispanocare, Inc. will celebrate its 11th annual gala, "Nuestro Compromiso" at the Downtown Chicago Marriott;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11, 2000, as *HISPANOCARE DAY* in Illinois.

Issued by the Governor October 24, 2000.  
Filed by the Secretary of State October 30, 2000.

## 2000-558

## JEWISH FEDERATION OF METROPOLITAN CHICAGO DAYS

WHEREAS, the Jewish Federation of Metropolitan Chicago is celebrating its Centennial anniversary this year; and

WHEREAS, as part of the celebration, Jewish Federation is proud to host the United Jewish Communities: The Federations of North America's 2000 General Assembly; and

WHEREAS, the General Assembly is the world's largest gathering of Jewish community leaders; and

WHEREAS, the GA will provide participants with the opportunity to interact with Jews from other communities to learn about issues which face our local and national Jewish communities; and

WHEREAS, the GA will take place November 10-15, 2000, and included in the conference are a Shabbaton, stimulating presentations and discussions led by top leaders and scholars in the Jewish world, and performances by world famous

Jewish musicians; and

WHEREAS, invited speakers include Elie Wiesel, Deborah Lipstadt, Rabbi Michael Melchior, Noa, and Michael Feinstein; and

WHEREAS, the Chicago Jewish Community will be invited to attend the Grand Session Monday, November 13, featuring President William Clinton, Israeli Prime Minister Ehud Barak, Mayor Richard M. Daley, and the legendary pop group Poogy; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10-15, 2000, as *JEWISH FEDERATION OF METROPOLITAN CHICAGO DAYS* in Illinois.

Issued by the Governor October 24, 2000.

Filed by the Secretary of State October 30, 2000.

## 2000-559

## THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKEOUT DAY

WHEREAS, the American Cancer Society's Great American Smokeout encourages smokers to quit; and

WHEREAS, increasing numbers of children are experimenting with a product that can produce lifetime addiction with an increased risk of cancer; and

WHEREAS, more Americans die every year from tobacco-related diseases than from AIDS, alcohol, car accidents, fires, illegal drugs, murders, and suicides combined; and

WHEREAS, youth-related promotions such as the Great American Smokeout Pledge encourage youth not to start smoking; and

WHEREAS, the health benefits of not smoking are substantiated and well-known;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2000, as *THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKEOUT DAY* in Illinois.

Issued by the Governor October 24, 2000.

Filed by the Secretary of State October 30, 2000.

Rules acted upon during the calendar quarter from Issue 43 through Issue 53 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) on the Internet.

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